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## THE COLONY

OF

NOVA - CÆSARÍA, OR NEW - JERSEY

CONTAINING,

AN ACCOUNT OF ITS FIRST SETTLEMENT,

PROGRESSIVE IMPROVEMENTS,

THE ORIGINAL AND PRESENT CONSTITUTION,

AND OTHER EVENTS,

TO THE YEAR 1721.

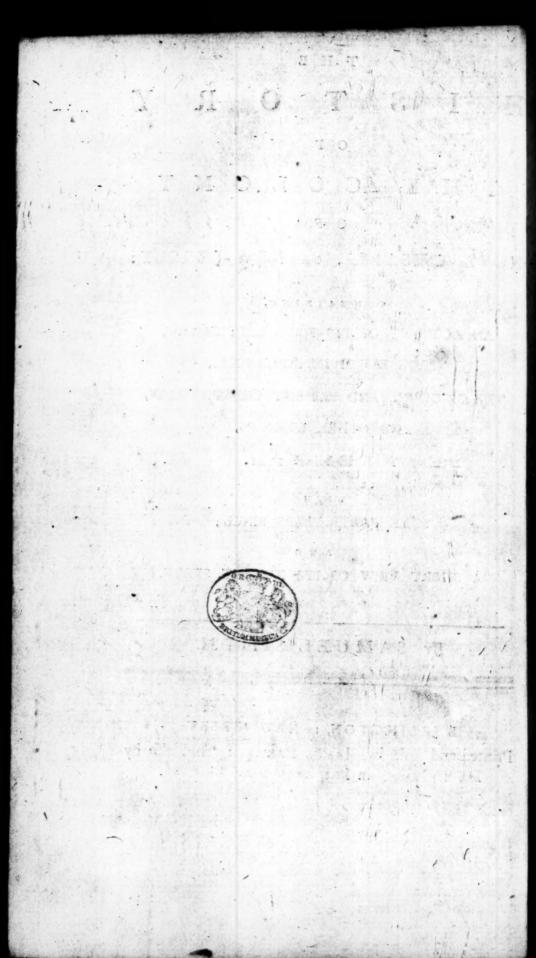
WITH SOME PARTICULARS SINCE;

AND

A SHORT VIEW OF ITS PRESENT STATE.

By SAMUEL SMITH.

BURLINGTON, IN NEW-JERSEY:
Printed and Sold by James Parker: Sold also by
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## PREFACE.

A LTHOUGH among the following Papers there are some of consequence in point of interest to most concerned in the province of New-Jersey, several of them were not to be found on record in the publick offices, several were scattered in different provinces, others could not be easily obtained, some tho' in print formerly were in but sew bands, some never made public, and many in danger of being lost; on this account whatever success may attend this undertaking as to the general design, or disposition of the fasts, 'tis some satisfaction, that the labour of collecting them cannot be altogether useless.

Whoever will be at the trouble of an enquiry into the general inexperience and methods of colonizing formerly, especially at the time the settlements here were first attempted under grants, will find but little reason to doubt, that views of permanent stability to religious and civil freedom, must have been the inducement to the original adventurers to think of such a voyage. The New-England governments had before been considerably settled from motives of a like kind; these, tho' near forty years later in their removal, were also protestant dissenters, and involv'd in the general insecurity, that such with reason apprehended in the reign of king Charles the second; and the actual sufferings of many, through the mistaken policy of that time, merely for a free exercise of their religious senti-

ments, with their own accounts of their removal, renders it as to them indisputable; and in this, as they do not appear to have been charg'd with any indirect violation of religious integrity, so no instance occurs of dissatisfaction among themselves, tho' many of them were remarkably tender on that head; with the motives above, some of them had without doubt, a distant prospect also of improving their estates; but this could not be the case so much at first as afterwards.

However smooth the passage may look now, it must be a reasonable supposition, that persons and families, who lived well (which was the circumstance of many of the fettlers of this province) found it no inconfiderable trial, to unsettle and remove 3000 miles; besides parting with the usual connections of friendship and neighbourhood, it was in a great measure an unprov'd experiment; and then much out of the common course of things: The navigation, also to this part of the continent, for want of experience, look'd difficult, and the wilderness formidable; but whatever were their motives, they successively encountered the bazards and bardships to which the enterprize was exposed; and, at their own expence, by the blessing of divine providence on their labour, frugality and industry, laid the foundation for the present improvement of territory to the mother country; which, tho' not in many respects to be compared to colonies of greater extent and growth, is nevertheless a link in the chain of some considerable importance.

That a century should pass, and very little appearabroad of what the settlers here have been doing, is not so much to be wondered at, when their difficulties in procuring

procuring the conveniencies of living are confider'd; but this will hardly be allow'd, when the too general negligence as to particular rights of individuals, and the reputation of civil policy comes in question: Till very lately, a variety of matters of that kind, were as much secrets to most of the inhabitants, as they commonly are to strangers; and yet in many parts of the province, are justly made the subject of general complaint.

Whether the endeavours here used for bringing these into one historical view, will sufficiently answer the purposes of a more general information, must now be submitted to experience; they were undertaken with hopes of service to the province, and if sound but in a small degree contributing to that, the end is so far answered: With this view, they were several years since designed for the publick, and nearly prepared; but other occasions interfering, necessarily delayed their appearance much longer than was expected. Being sent to the press sometime in the last spring, no transaction that hath happened since, could be included, or is in any respect alluded to: On a continuation, these will of course follow in their places:

To a collection principally intended to confift of a plain state of facts, much need not be premised; this may with justice be said, that through the whole, the strictest impartiality has been attended to, and if in other respects executed according to intention, they are offered to the publick, with as sew material omissions, as the present opportunities of collecting would allow; yet the distinct attending an attempt from papers in great part not used before on the like occasion, would plead for some allowances, as a sew mistakes, especially in dates, and other minutice,

among

among the smaller facts, may have escap'd, notwithftanding an assiduous care to avoid them; but these it is hoped will not be found so considerable, as to obstruct the service intended.

As nothing is aim'd at, more than a fair and candid representation; any friendly hints, or materials necessary either for correction or improvement, will be thankfully received, and the first opportunity embrac'd to apply them accordingly.

BURLINGTON, 3th October, 1765.

## HISTORY

OF

NEW-JERSEY.

## CHAP. I.

A brief view of the discovery of America, and of the present prevailing opinion respecting the manner it originally became peopled.



HE first effectual discoverers of America among the moderns, were Christophoro Colon, or Colombo, and Americo Vespucci, or Vesputius; of these the former is supposed to have been a Genoese by birth, the

other a native of Florence: From him the new world took its name, yet his history in other particulars is too intricate to afford much satisfaction.

B That

a. He made two voyages in 1497 and 1498, in the service of Spain: Another in 1501, in the service of Portugal: In the first he sell in among the Caribbee islands; and the last with three ships arrived to and discovered the eastern continent of America, in sive degrees of south latitude.

"America is a more common than fitting name, seeing Americas
"Vespucius the Florentine, from whom this name is derived, was
"not the first finder nor author of that discovery: Columbus will
"challenge that, and more justly, with whom and under whom
"Americas made his first voyage; how soever after that he coasted
"a great part of the continent which Columbus had not seen, at
"the charges of the Castilian and Portugal kings; but so it might
"more rightly be termed Cabotia or Sebastiana, of Sebastian Cabot.

A. D. 1492. A. D. 1492. Columbus

That of the first under the well-known name of Christopher Columbus, is readily traced; with him therefore we begin, as the person principally concerned in the discovery.

He had applied himself to the study of astronomy and geography, and very early appeared to have a more than common desire to understand the state of all countries upon the face of the globe, and to make new discoveries; which probably was his reason for settling at Lisbon, no nation having push'd their discoveries surther than the Portuguese at that time; here he employed himself in drawing maps and charts, and preparing himself for suture enterprizes. He married and settled in Lisbon, was of a good family, a grave and temperate man, b. of competent learning, studious in the mathematicks, and from his youth bred to navigation.

What the particular motives were that induced him to fearch after this new world, are not certainly known; some attribute it to informations he had received, others to his skill in the nature of the globe; that this made him conclude it probable there must be a great tract of land to the westward of Spain, that it was not to be imagined the sun when it set in

that

<sup>&</sup>quot; a Venetian, which discovered more of the continent than they both, about the same time, first employed by king Henry the sefeventh of England. Columbus yet as the first discoverer deferver the name, both of the country for the first finding, and of modelty, for not naming it by himself, seeking rather effects than names of his exploits." Purchas's Pilgrim, p. 792.

b. His fon who wrote his history, says, he was moderately tall and long visaged, his complexion a good red and white, that he had light eyes, and cheeks somewhat full, but neither too fat nor too lean; that in his youth he had fair hair, which turned grey before he was thirty years of age; that he was moderate in eating and drinking, affected a plain modest garb or dress; that he was naturally grave, but affable to strangers, and pleasant frequently among his domestics, strict and devout in religious matters, and tho' a steaman, was never heard to swear or curse.

A. D. 1492.

fends his

that horizon gave light to no body: Whatever gave rife to the project, a discovery he resolved to attempt. and being unable to do it at his own charge, he first offered his fervice to the Genoese, next to the king of Portugal; not meeting with encouragement from either, he fent his brother Bartholomew to England, brother to offer his fervice to Henry the feventh : King Henry Bartholoapproved his proposals; but the brother on his return mew to being taken by pirates, and Columbus receiving no answer, left Portugal and went to Spain : On his application to Ferdinand and Ifabella, king and queen of Castile and Arragon, he succeeded so well, that in the year 1492; they provided him with money, and entrufted him with three fmall fhips for the expedition; he also obtain'd a grant from them to be admiral of the western seas; all civil employments as well as governments in the continent or world to be discovered were to be wholly at his disposal; and besides the revenues of the pofts of admiral and vice-roy, he was to enjoy a tenth of all the profits arifing by future fails with conquests: his little squadron manned only with ninety 90 menmen fet fail from Palos for the Canaries the third of the month called August, 1492, and arriving at those islands the twelfth, sailed from thence the first of September, upon his grand defign: he had not failed a fortnight to the westward before his men began to mumur at the enterprize; they observed the wind constantly set from east to west, and apprehended there would be no possibility of returning if they missed the land they were made to expect; on the nineteenth observing birds to fly over their ships, and on the twenty-fecond weeds driving by them, they began to be better fatisfied, concluding they were not far from land: they continued their course several days farther westward, and meeting with no land, the seamen mutinied to that degree, that they were almost ready

A. D. 1492.

His first

discovery,

ready to throw the admiral overboard, and return home, when happily for him they faw more birds, weeds, pieces of boards, canes, and a shrub with the berries upon it, fwim by them, which made them conjecture there must be islands thereabouts: It was on the eleventh of October, about ten at night, that the admiral first discovered a light upon the island of Guanabani, or St. Salvador, as he named it, in confideration that the fight of it delivered him and his men from the fear of perishing: It is one of the Bahama islands, about fifteen leagues long, in the north latitude of 15 degrees.d. Day appearing, the ships came to anchor very near the island; the natives crowded the shore, and beheld the ships of these new comers with aftonishment, taking them for living creatures... The admiral believing there was no great danger to be apprehended from them, went ashore in his boat, with the royal standard, as did the other two captains, with their colours flying, and took possession

e. A bay or harbour of fea or water.

d. All that is commonly remembered of the failor who first discovered land, is, that expecting some great reward from the king of Spain, and disappointed, he took it in his head in a rage to renounce Christianity, and turn'd Mahometan.

to renounce Christianity, and turn'd Mahometan. e. One of the River Indians, in his speech at the treaty of Albany, 1754, relates the surprize of their forefathers at the fight of the first ship that came up the North river in the same manner: his speech so far as relates to this subject was as followeth: · FATHERS, we are greatly rejoiced to see you all here; it is by the will of heaven that we are met here, and we thank you for this opportunity of seeing you altogether, as it is a long while fince we had such a one: FATHERS who sit present here, we will · just give you a short relation of the long friendship which hath fubfifted between the white people of this country and us: our · forefathers had a castle on this river; as one of them walked out he faw fomething on the river, but was at a loss to know what it was; he took it at first for a great fish; he ran into the castle, and gave notice to the other Indians; two of our forefathers went, to fee what it was, and found it a veffel with men in it; they immediately joined hands with the people in the veffel, and became friends.

of the country in the name of the king and queen of Spain with great folemnity; the Indians mean while flood gazing at the Spaniards without attempting to oppose them. The admiral ordered strings of glass beads, caps and toys to be diffributed among the natives, with which they feemed much pleased: The principal ornament about them was a thin gold plate in the form of a crescent, hanging from the nose over the upper lip; the admiral demanding by figns, whence they had their gold plates, they pointed to the fouth and fouth-west; he rowed in his boats about the island, to discover if there was any thing worth his fettling there, followed by the natives every where, who feem'd to admire him and his people as fomething more than human: From this island coasting fouthward 180 leagues, he arrived at another, which he called Hispaniola, where his own ship striking on a hidden rock was lost; he Hispanioand his crew were taken on board one of the other la. veffels; landing here, the natives, instead of behaving as the others had done, fled from him; but taking one of their women, treating her kindly, and then letting her go back among them, fhe brought numbers to traffick, who feem'd very peaceably dispos'd; and by fome means or other finding there were gold mines in this island, Columbus, aided by the natives, built a fort, left thirty line men, with provisions for a year, feeds to fow, and trinkets to trade with the natives: After discovering a good part of the north and eaft coast of Hispaniola, trading with the Indians in diverse places, and near three months stay in the island, he bent his course homewards, and arrived at Palos, in Andalusia, early in the spring 1492, 3; having perform'd the voyage in feven months and eleven days: Here the people received him with a folemn procession and thanksgiving for his return, most of his seamen belonging to that port; the king

1493.

and queen of Spain being at Barcelona, when the admiral drew near the city, the court went out to meet him; he was receiv'd with the honours due to a fovereign prince: Having given an account of his voyage, he begged to be equipped according to the dignity of his character of admiral and viceroy, that he might plant colonies in the places he had thus discovered, which was readily granted; and he afterwards made diverse other voyages to America. f.

The fame of the discovery, and of the rich cargoes

brought to Old Spain at several times from thence, being spread through other nations, gave rife to other adventurers. The next attempt was made by Sebastian Cabot, a Venetian by extraction, but born in England, and being much given to the study of navigation, and well skill'd in cosmography, he believed there might be a passage found by the north-west to the East Indies shorter than that lately discovered by the Cape

of Goodhope; he made Interest with Henry the seventh of England, who fitted out two ships to

In 1497, Cabot failed from Lifbon, in the begin-

make the discovery.

ning of fummer, and steering his course north-west, adventure.

Cabot's

came up with land about 60 degrees north latitude, fupposed to have been Greenland; 8. but perceiving Greenland the land still run north, he changed his course, in hopes of finding a paffage in less latitude. About the 50th degree he saw that which is now well known by and New- the name of Newfoundland: Here he took three of foundland the natives, and coasted southward to the latitude of

f. He died in the city of Validolid in Spain, in the spring 1506, and was buried in the cathedral of Seville, with this inscription on his tomb, that Columbus had given a new world to Coffile and Leon,

g. This country is confidered as part of the American continent, both by Hornius and Grotius. Grotius apud Horn. de orig. Gent American, Lib. iii. c. 5, 6, pa. 149, 162. ut et ipse Horn, ibid.

A. D. 1497-

38 degrees; (about Maryland) his provisions growing scarce, and no supplies there to be expected, he return'd to England, where the natives he brought lived a considerable time. From this voyage and discovery made by Cabot, the English have claimed the country ever since, from the well known Jus Gentium, Law of Nations, that whatever waste or uncultivated country is discovered, it is the right of that prince

b. King Henry vii. commissioned John Cabot (5th of March, in the eleventh year of his reign) and his three fons, to fail in quest of unknown lands, and to annex them to the crown of England; with this clause, which before this time have been unknown to all christians. His first essay as related by fir Humphry Gilbert, who was employed in the like service afterwards by queen Elizabeth, was to discover a north west passage to Cathay or China; in which voyage he failed very far eastward, with a quarter of the north, on the north fide of Terra de Labrador, till he came into the north latitude of fixty feven degrees and a half. In his next voyage, which was made with his fon Sebastian, in the year 1497; he fleered to the fouth fide of Labrador, and fell in with the island of Baccalaos, which is Newfoundland, and took possession both of that island and all the coast of the north east part of America, as far as Cape Florida; which he also by landing in feveral parts of it, claimed in the name of his mafter, the king of England.

'In memory of this discovery, and by way of evidence, there was a map or chart of the whole coast of North-America drawn by Sebastian Cabot himself, with his picture and this title, Efficies Seb. Caboti Angli, Filii Jo. Caboti, Venetiani, Militis Aurati, &c. and with the following account of the discovery above-men-

tioned,

"In the year of our Lord 1497, John Cabot, a Venetian, and his ion Sebastian (with an English sleet) set out from Bristol, and discovered that land, which no man had before attempted. This discovery was made on the 24th of June about sive o'clock in the morning. This land he called Prima Vista (or the first seen) because it was that part, of which they had the first sight from the sea. It is now called Bonavista. The island, which lies out before the land, he called the island of St. John, probably because it was discovered on the settival of St. John Baptist."

This map was hung up in his Majesty's privy-gallery at White-hall; and, it is to be feared, the nation was deprived of such a valuable testimonial of their American title to the whole coast of North-America, by the sire which destroyed that gallery in the late King William's reign". Entick's Gen. Hist. of the late was. Vol. 1. p. 168, &c.

A. D.

who had been at the charge of the discovery.; This from universal fuffrage gives at least a right of preemption, and undoubtedly must be good against all but the Indian proprietors. k.

We have feen that in the discovery of North and South-America, inhabitants were found at the places touch'd at; in all probability they were as plentifully dispersed throughout the different countries of America; but how these people originally came there, is a question not easily solved; tho' it has for above two centuries, been the subject of much enquiry, it is not yet arrived at a decision. All therefore that can be done, is to give a short view of the most probable conjectures that have been hitherto offered.

Phenicians.

It is not unlikely the new world was known to the Phenicians, even a confiderable time before the days of Plato; who in all likelihood found but few (if any) inhabitants there; that they contributed towards the planting of it, we have some reason to believe, as they are supposed to have made three voyages thither; however that colonies from other nations croffed the Atlantick, and landed in America, cannot be well Egyptians denied; neither the Egyptians nor Carthaginians are and Car- supposed void of some traditional knowledge of America, fince they are believed, to have communicated

thaginians

i. Grotius de jure belli ac pacis, Lib. 2. Cap. 2. Sect. 17. Molloy de jure Mar. 422, 423. Justinian Inst. Lib. z. Tit. 1. Sect. 12 &

fuch

k. Lex Mercat. 156. Molloy ut supra.

1. If we are not assomished (fays Voltaire) that the discoverers found flies in America; it is absurd to wonder that they should meet with men. Univ. Hift. If European whites, and African negroes, are not descended from the same original stock; a supposition confessedly adopted by the celebrated historian, (it must be allow'd) easy to come to a decision in the present case.

m. Perizonius and Cellarius feem to have inferr'd from thence, that the new world was not entirely unknown to the remoter ages

of antiquity.

fuch knowledge to other nations; which if we admit, it follows, that fome of the antient Egyptians and Carthaginians had been there, and contributed towards peopling the continent, as well as the Phenicians. The Author of the book de Mirabilibus Audit. Supposed to be Aristotle; expressly afferts the Carthaginians to have discovered an island beyond Hercules's pillars, abounding with all necessaries, to which they frequently failed; and there feveral of them even fixed their habitations; but the fenate, adds he, would not permit their subjects to go thither any more, lest it fhould prove the depopulation of their own country.\*. Several of the original American nations we are told, rent their garments, the more effectually to express their grief on any malancholly occasion; the Hebrews, Persians, Greeks, Sabines, and Latins, according to various authors, did the same; from whence some may possibly imagine, that those Americans deduced their origin from one or more of those nations; but this is too flender a foundation for fuch belief: . So that Menasseh Ben Israel, appears to have wrongly concluded from thence, that the Israelites were the progenitors of the Americans. Theophilus Spizelius feems to have refuted this opinion: Though the Phenicians, Egyptians and Carthaginians, might have planted some colonies, yet the bulk of the inhabitants must certainly have deduced their origin from another part of the world: Had the Phenicians and Egyptians peopled

<sup>2.</sup> Aristot de mund. c. 3. et de Mirab Audit. Christ. Cellar. ubi supra, pa. 253. Jacob Perizon in Ælion. Var. Hist. Lib. 111. c. 18.

o. William Penn, in his letter to the committee of the free society of traders in London, in 1683; gives a short sketch of his opinion, touching the origin of the Indians here, whom he imagines to be of the stock of the Jews, that after the dispersion of the ten tribes emigrated through the eastermost parts of Asia, to the westernmost of America.

A. D.

peopled even a confiderable part of America, it would feareely have been taken so little notice of by the antients; even supposing those nations had industriously endeavoured to conceal their western discoveries; for in such case, there must have been a constant communication kept open between America, Egypt, and Phenicia, and a very extensive trade carried on: so that many particulars relating to the new world, must necessarily have transpired; nor could even the sailors themselves, who navigated the Phenician ships, have omitted divulging many accounts of what they observed on this continent; some of which would undoubtedly have been transmitted to us.

That therefore, the Americans in general, were descended from a people who inhabited a country not so far distant as Egypt and Phenicia, must be admitted; Now no country can be pitched upon so proper and convenient for this purpose, as the north-eastern part of Asia, particularly great Tartary, Siberia, and more especially the Peninsula of Kamtschatka; that probably was the tract through which many Tartarian colonies passed into America, and peopled the most considerable part of it. This however, seems the most prevailing opinion.

Kamtfchatka.

There is great reason to believe, that some of the western parts of North-America, must either be continuous to, or at no great distance from the north-eastern part of Asia; which, we are not yet informed; but it is probable east of Kamtschatka, there is an immense tract approaching to North-America, and that to this day, there remains at least a kind of communication between them, by means of a chain of islands; it may also be supposed that Asia and America, were formerly connected by an isthmus, which might have been destroyed by an earthquake: such a supposition may be supported by the authority of those writers

writers who have rendered parallel inftances credible, fuch as the disjunction of Britain from Gaul, and Spain' from the continent of Africa: A communication between Afia and America, feems agreeable to truth, not only from what has been advanced by Reland, but from the discoveries made by the Russians; an account of which we find in the publick prints of the year 1737, and fince: According to thefe, some of the Czarina's subjects have touched at several islands, which lie at a distance in the eastern direction from Japan and Kamtschatka, and consequently between those countries and America. The people of these islands, in some points, are said to resemble the Japanese, and to use pieces of money with characters not unlike those of Japan. Leonard Enler, professor of mathematicks, and member of the imperial fociety at Petersburgh, seems to imagine, that the north-eastern cape of Asia, discovered by capt. Behring, is not thirty degrees off the last known head-land of California; but the ingenious Dobbs, governor of North-Carolina, places them at a much greater diftance: Be that however as it may, that the fea between the most north-eastern coast of Asia, and the most western part of California, allowing fuch a fea to California, exist, is interspersed with many islands, at no great distance from each other, may be very naturally suoposed; nay, if any credit may be given to the advices lately received from Petersburgh, the connection of Asia and America, or at least the communication between them, by means of fuch islands, is as good 

That part of America next to Asia, is said to be much more populous than the remoter eastern provinces or kingdoms, which is a manifest indication, that this was first planted, by colonies coming from the nearest parts of Asia, who settled here, afterwards

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world; from whence we may conclude, that the bulk of the Americans are descended from the Tartars, Siberians, and people of Kamtschatka, and from the concludes the control of the control

The people inhabiting the extreme north-eastern part of Afia, intirely want horses, those animals not being able to live in fo cold a region; it feems to be agreed, that no horses were found in America, at the first discovery of it; for that in several places, the natives used rein deer and large mastiff dogs instead of them, as many of the posterity of the antient most northern Scythians or Tartars did. The Epicerini, a people of Canada, when the Europeans first came among them, afferted, that very far from them, in a western direction, there lived a nation, who affirmed that foreign merchants, without beards, in great fhips, frequently visited their coasts: we are also told, that in Quivira, feveral thips have been found, whole fterns were adorned with filver and gold, which was a diftinguishing characteristick of the Chinese and Japanese fhips, according to some good authors: That some Chinese vessels of considerable force, were found wreck'd in the Mare del nord, above Florida, which might have been the fame with those seen at Quivira, we learn from Ancosta. In Quatulia too, a tradition prevailed, intimating that foreign merchants after a long journey from the westward, arrived there, and that these merchants were cloathed in filk: From whence we may collect, that the Chinese visited America, and communicated fome of their cuftoms to the people of that country, q especially as the Chinese manner of writing

. Some of the back Indians beyond Detroit, now make use of

Quivira

dogs to draw wood and other matters on fleds.

q. The people (fays M. de Guignes, in a memoir upon the ancient navigations of the Chinese to America) whom we have always believed to have been confin'd within the bounds of their own country, penetrated

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writing in Hieroglyphics, fufficiently agrees with the American dialect. We learn from Hornius, the Hunns, or at least a branch of that people, placed in the farthest part of Asia, had the appellation of Cunadani, or Canadani, from Cunad, a place not far from the fea, where some of them had their fituation; hence we find a city in the upper Hungary, built by their descendants, denominated Chonod, or Chunad, the inhabitants of which, and those of the neighbouring diffrict, still retain the name of Chonadi, or Cunadi ; from these Hornius believes the natives of Canada to Canada. have deduced both their origin and denomination.

penetrated into America in the year 458 of the Christian zera. That they went thither by Japan and the countries of Ven-chin and Tahan. By confidering what the Chinese geographers say of the distance and productions of these remote regions, he proves that Ven-chin is Jesso or Yedzo, and that Ta han is the most eastern part of the north of Afia. From thence the Chinese failed towards the east, and fell in with the country of Fou-lang, which, according to the Chinese distances, should lie to the north of California. He gives us, from the annals of China, a fhort account of the manners of the inhabitants of Fou-lang; he informs us further, that feveral iflands in the fouth-fea were known to the Chinese; and also that coast which John de Sama discovered in his passage from China to Mexico. To give a more exact idea of these navigations, M. de Buache hath constructed a chart, on which he hath traced with a great deal of accuracy, the route of the Chinese, and noted the distances of the feveral countries. By this chart it appears, that the geography of these parts, taken from the ancient books of the Chinese, agrees very well with the late discoveries of the Russians. To this chart is added part of another ancient chart drawn by the Japonese, in which are laid down the north of Asia, and all the western coast of America, according to the knowledge they had of it. This continent there appears entirely terminated on the fide of Afia; and we there see the isles which have been lately known to the Ruffians only; and this proves the truth of the former Japonese discoveries. This chart was brought from Japan by the celebrated Kempfer, and afterwards lodg'd in the cabinet of the deteafed Sir Hans Sloane, prefident of the royal fociety of London, who fent a copy of it to M. de Guignes.

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After having determined the fituation of all the countries to the east of China, M. de Guignes remarks, that Chr. Columbus was not the first who attempted discoveries towards the west: Long be-

A. D. 1497 No small accession of strength will be brought to the opinion before advanced, with respect to the peopling of America, by one particular incident, mentioned in a short narrative of the late discoveries of the Russians. They found peopled, as should seem, captain Behring's new land before mentioned, above fifty German miles to the east of Kamtschatka; for coming to the entrance of a great river, he sent his boats and men ashore, but they never returned, being probably either killed or detained by the natives; nay,

fore him, the Arabians, whilst they were masters of Spain and Portugal, enterprized the same thing from Lisbon; but after having advanced far to the west, they were obliged to put back to the Canaries; there they learnt, that formerly the inhabitants of these islands had fail'd towards the west for a month together, to discover new countries. Thus we see, that the most barbarous people, without the knowledge of the compass, were not assaid to expose themselves to the open sea in their slight small vessels, and that it was not so difficult for them to get over to America, as we imagine.

These researches, which of themselves gives us a great insight into the origin of the Americans, led M. de Guignes to determine the rout of the colonies sent to this continent. He thinks the greatest part of them passed thither by the most eastern extremities of Asia, where the two continents are only separated by a narrow streight; easy to cross. He reports instances of women, who from Canada and Florida, have travelled to Tartary without seeing the ocean.

The commerce of the Chinese would naturally open a way to America, augment the number of the inhabitants, and contribute to polish them. On this occasion M. de Guignes observes, that the most civilized nations of the American continent are fituated on the coast which looks towards China, and that they come originally from the north of America, i. e. from the neighbourhood of those countries where the Chinese landed, as Quivin and New Mexico, whence the Mexicans came to settle in Mexico, properly so called, after having expelled the ancient inhabitants.

M. de Guignes cites some authorities, which give us reason to believe, that the streights of Magellan were known to the Chinese, and that the Coreans had a sestlement in Terra del Fuego. These navigations of the Chinese, and of the most uncivilized nations, incline him to believe, that the people dispersed in the isles to the south of the Indies, after having multiplied, migrated from island to island, and by means of that chain of islands which reaches almost to America, insensibly approached that continent. The example of the inhabitants of the Canaries gives a probability to this conjecture. Gentleman's Magazine, 1753, p. 607.

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the publick prints in October, 1737, mention fome particulars relating to the inhabitants of certain islands between Kamtschatka, Japan, and America, which feem to carry with them an air of authority. This will amount to a fair 'prefumption, that the islands or continent between Kamtschatka, Japan, and California, still unknown to the Europeans, are likewise inhabited; and if fo, that those inhabitants must have advanced gradually, from Tartary, Japan, and Kamtschatka, to the places wherein they are fixed: From whence we may infer, that even the natives of California, and the adjacent parts of America, took originally the fame route; for that Tartary, and Japan, must have been peopled before America, as lying nearer to the land of Shinar, where the whole race of mankind was affembled before the dispersion, will admit of no dispute; and that America should have received many colonies from such neighbouring countries as Tartary, Japan, and Kamtichatka, whether they are continuous or contiguous to it, or connected with it, by fome intermediate continent, chain of islands, &c. is very natural to suppose.s. So that from the tract lately discovered to the east of Japan and Kamtschatka, and the people fettled there, we may infer the probability of America's being planted in part by colonies drawn from the north-eastern regions of Asia; for by such discovery, a nearer approach is made from Japan and Kamtschatka,

Afia.

r. The new history of Kamtschatka, lately published in the Russian language, and translated into English by J. Grieve, M. D. gives a particular description of the customs and way of living of the inhabitants there, which agrees in several particulars, and in the whole manner seems not very different from the original customs of the North American Indians. For a brief account of this history, see Monthly Review, vol. 30, p. 282.

s. Vide a memoir of M. Le Page du Pratz, containing an account of the travels of Moncacht-ape; a civilized Indian of Louisiania, to the north-west parts of America, Gent. Mag. for Sept. 1753.

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Kamtschatka, to the coak of California; and from this approach, a prefumptive argument is drawn in favour of the opinion here advanced.

But it is time now to proceed to other matters: Such as may incline to fee the subject further discussed, are for brevity's fake, on a point not material enough to dwell long upon here, referred to the Univ. Hift." Whence many of the arguments on this head, are felected; and where the inquisitive reader, amidst much of the incredible, (with which it hath been usual to load the subject) will find convincing proofs in favour of what is here proposed.

1584.

Raleigh's

patent.

Although the English had very early made the discovery of North-America, a considerable time elapfed before any advantages accrued: Sir Walter Raleigh, in 1584, was the first Englishman who Sir Walter attempted to plant a colony in it. v. In this year he obtained a patent from Queen Elizabeth, for him and his heirs, to discover and possess for ever, under the crown of England, all fuch countries and lands as were not then possessed by any christian prince, of inhabited by christian people :-- Encouraged by this grant, Raleigh and other partners, at divers times, fitted out ships, and fettled a colony at Roanor, in Virginia; but notwithstanding various attempts, they met with fuch discouragements, that no great improvements were made until some time afterwards.

1606.

In the year 1606, King James, without any regard to Raleigh's right, granted a new patent of Virginia; in which was included New-England, New-York,

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t. Vol. xx, Lond. Edit. 1748, pa. 157.

x. Now Roanoke, in North-Carolina.

<sup>.</sup> That is a regular colony under grants. - Sir Armigell Wadd, of Yorkshire, clerk of the council to Henry viii. and Edward vi. and author of a book of travels, was the first Englishman that made discoveries in America.' H. Walpole's anecdotes of painting; vol. il. Catalogue of engravers, p. 18, 19. A note.

A. D.

New-Jersey, Pennsylvania, and Maryland, from queen Elizabeth's time to the time of this patent, the whole country bearing that name, which was given it by Raleigh, in honour of his virgin mistress, as fome fay; others have it that it took its rife from the country's not being fettled before. The patentees Patentees, were fir Thomas Gates, fir George Summers, Richard Hackluyt, clerk, Edward Maria Wingfield, Thomas Hanham, and Raleigh Gilbert, Esqrs. William Parker, George Popham, and others: The extent of the land granted, was from 34 to 45 degrees of north latitude, with all the islands lying within 100 miles of the coast. Two distinct colonies were to be planted by virtue of this patent, and the property ascertained in two different bodies of adventurers: The first to belong to Summers, Hackluyt, and Wingfield, under title of the London adventurers, or the London company; and was to reach from 34 degrees to 41, with all lands, woods, mines, minerals, &c. The other colony was to reach from the end of the first, to 45 degrees, granting the fame priviledges to Hanham, Gilbert, Parker, and Popham, under the name of the Plymouth company, with liberty to both colonies to take as many partners as they pleased; forbidding others to plant within those degrees, without their licence; only referving the 5th part of all gold and filver mines, and the 15th part of copper, to the use of the crown. By virtue of this grant, the London company fitted out feveral ships with artificers of every kind, and all things requifite for a new fettlement; which failed for America, and planted a colony there; but in the year 1623, there were so many complaints made of bad management, that on enquiry a Que warranto was issued against the patent;

1623.

A. D. 1623. and after a trial had in the king's bench, it was declared forfeited; \* fince which time Virginia has been under the immediate direction of the crown.

In the same year the patent was granted, the Plymouth company also attempted to make a settlement; but with no great success, until about the year 1620, when they sent a fresh recruit from England, under the command of capt. Standish, who arrived at Cape Cod in the latitude of 42 degrees, and having turned the cape, found a commodious harbour opposite the point, at the mouth of the bay, at the entry of which were two islands well stocked with wood: Here they built a town, which they called Plymouth. About this time the colonies in New-England were much augmented; multitudes of dissenters thinking this a good opportunity of enjoying liberty of conscience,

Plymouth.

other patents grant-

offered their service to the Plymouth company; and the grand patent being delivered up to the king, particular patents were granted to the lord Musgrave, the duke of Richmond, the earl of Carlisse, the lord Edward Georges, and new colonies were planted in diverse places.

## CHAP.

z. Other accounts fay, the patent was diffelved by the king's proclamation, in 1624; and that the a que warrante was iffued against it, no determination followed in the courts of justice.



## CHAP. II.

An account of the country on Delaware, and the North river; while the first was in possession of the Dutch and Swedes.

FROM what has been faid, it is evident that the colonies New-York, New-Jersey, Pennsylvania, and Maryland, were included in the great patent, last mentioned, but that becoming void, the crown was at liberty to regrant the fame to others; but it does not appear that any part of those provinces was feetled by virtue thereof; nor indeed was any distinct discovery of them made, until many years afterwards. New-Jersey, Pennsylvania, and other lands adjacent, notwithstanding the antient right of the crown of England, deduced as aforesaid, had two pretenders to them; the Dutch and the Swedes: The claim the former fet up, was under colour of a discovery made in the year 1609, by Henry Hudson, an Englishman, commander of a ship called the Half-Moon. fitted out from Holland by the East-India company, to discover by a north-west passage, a nearer way to China: In this voyage he failed up to the place now New-York, and up the river, from him called Hudfon's river; and returning fometime after to Amfterdam, the Dutch pretended to have purchased the chart he made of the American coast; and having obtained a patent from the states, in the year 1614, to trade to New-England, they fettled in New-York, which they called New-Netherland; and kept possession until fir Samuel Argole, governor of Virginia, disputed their title; alledging that the country having been discovered by an Englishman, in right of his master, he could not fuffer it to be alienated from the crown. without the king's confent: he therefore compelled the Dutch colony to fubmit to him, and to hold it under

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A. D. 16231

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A. D. 1623. under the English: But sometime after a new governor coming from Amsterdam, they not only neglected to pay their usual acknowledgement to the governor of Virginia, but in the year 1623, fortified their colony, by building feveral forts: One on the Delaware, (by them called South River) near Gloucester, in New-Jersey, which they named Nassau; a second on Hudfon's, (the North River) in the province of New-York, which they named Fort Orange; and a third on Connecticut river, (by them called the Fresh-River) which they named the Hirsfe of Good Hope. Hudson's River lying near the fea, and the navigation esteemed less difficult than the other, their settlements were chiefly on both fides of that river; at the entrance of which, the town by them also called New Amsterdam, was built; fo that by the time the Swedes came into America, which was a few years after, they had wholly quitted the land adjacent to the river Delaware.

The proceedings of the Dutch in building the forts, and in a manner taking possession of the country, having been represented to king Charles the first, his ambassadors at the Hague made such pressing instances to the states, that they disowned having given any commission for what the Dutch had done, and laid the blame on their East-India company. Upon this king Charles gave a commission to fir George Calvert, lately made lord Baltimore; a. to possess and plant that part of America.

<sup>\*</sup> a. About the year 1620, while George Calvert, afterwards lord
Baltimore, was fecretary of flate to James 1st; he obtained a patent for him and his heirs, to be absolute lord and proprietor (with
the royalties of a count Palatine) of the province of Avalon, in
Newfoundland, which was so named by him, from Avalon, in
Somersetshire; wherein Glastonbury stands the first fruits of christianity in Britain; as the other was in that part of America, there
he built a fine house, in Ferryland, and spent £. 25,000 in
advancing this new plantation: after the death of king James, he
went twice in person to Newfoundland:--finding his plantation
very much exposed to the insults of the French, he was at last
forced

1623.

America, now called Maryland; and to fir Edmond Loeyden, or Ployden, to plant the northern parts, towards New-England. The Dutch afraid of the power of the English, were willing to compound matters a fecond time; offering to leave their plantations, in consideration of £. 2500 to be paid them for the charges they had been at : But foon after, king Charles being involved in his troubles, was hindred from fupporting his colonies; they therefore not only fell from their first proposals, but as was reported, furnished the natives with arms, and taught them the use of them, that by their affiftance they might disposses the English all around them,

Matters thus circumstanced, we shall leave them, in order to trace their neighbours, the Swedes into Swedes. America; the first settlement of whom, according to their own account, was thus occasioned b. In the reign of Gustaphus Adolphus, and in the year 1626, 1626. an eminent merchant named William Useling, gave a great character of this country, applauding it for fruitful fertile land, abounding with all necessaries of life; and used many arguments to persuade the Swedes to fettle a colony here: These were so prevalent, that Gustavus issued a proclamation at Stockholm, exhorting his subjects to contribute to a company affociated to the purpose aforesaid, which was called the West-India company, confirmed'by that prince: In a general affembly the year following, fums of money were raised to carry on the intended settlement, to which the king, the lords of the council, the chief of his barons.

Biogr. Britania, Art. Geo. Calvert.

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forced to abandon it: whereupon he went over to Virginia, and after having viewed those parts, came to England, and obtained

from king Charles, who had as great a regard and affection for him as king James) a patent to him and his heirs, for Maryland:--that king naming it in honour of his beloved queen Henrietta Maria.

b. Hift. of Swedeland in America, by Thomas Companius Holm. printed at Stockholm anno 1702.

A. D. 1623. barons, knights, coronets, principal officers in his militia, bishops, clergy, and diverse of the common people of Swedeland, Finnland and Lissland, contributed; and responsible persons were chosen to see what was propos'd put in execution, consisting of an admiral, a vice-admiral, merchants, factors, commissaries, &c. and it was concluded to get as many as they thought fit, of those who would voluntarily ship themselves to America, to settle and cultivate a colony.

1627.

In 1627, the Swedes and Finns accordingly came over hither: Their first landing was at Cape Inlopen; the sight created a pleasure, and they named it Paradise Point: Some time after they purchased of some Indians (but whether of such as had the proper right to convey is not said) the land from Cape Inlopen to the Falls of Delaware, on both sides the river, which they called New-Swedeland Stream; and made presents to the Indian chiefs, to obtain peaceable possession of the land so purchas'd: But the Dutch continuing their pretensions, in 1630 one David Pietersz de vries, their countryman, built a fort within the capes of Delaware, on the west, about two leagues from Cape Cornelius, at the place now Lewis-Town, then and at present often called by the name of Hoarkill.

1630.

1631.

Christeen.

In 1631, the Swedes also built a fort on the west of Delaware, to which they gave the name the ruins of it yet bears, Christeen. Here a small town was laid out by Peter Lindstrom, their engineer, and here they first settled; but this settlement was afterwards demonsished by the Dutch.

On an island called Tennecum, sixteen miles above Tennecum this town, the Swedes erected another fort, which they named New Gottemburgh; and John Printz, their governor, built a fine house, and other suitable accommodations;

<sup>.</sup> Near Wilmington, it gives name to a noted creek there,

modations; planted an orchard, and called his settlement Printz's Hall: The principal freemen had also their plantations on this island.

A. D. 163L

About this time the Swedes also built forts at Chester, and other places. In the same year Chancellor Oxestiern, embassador from Sweden, made application to king Charles the first, to have the right the English claimed by their being the first discoverers yielded up: it was, (as they say,) the proof an uncertainty given up accordingly: They also said they had purchased the pretence the Dutch claim'd by virtue of the prior settlement, and buildings here; most of which were destroy'd before their arrival.

If this be true, the Dutch it feems did not think proper long to abide by their contract; but gave the Swedes diffurbances, by encroaching on their new fettlement; and both of them join'd to dispossess the English, who also attempted to settle the eastern side of Delaware: one Kieft, a director under the states of Holland, affifted by the Swedes, drove the English away, and hired the Swedes to keep them out: The Dutch complained, that the Swedish governor judging this a fair opportunity, built fort Elfinburgh on the place from whence the English had been driven, and from thence used great freedom with their vessels, and all others bound up the river, making them strike to the fort; from which they also fent men on board to know whence the veffels came: This the Dutch deem'd exercifing an authority in a country not their own. 4. But the Musketoes were so numerous, the Swedes were

Elfing.

d. The account here is from a manuscript copy, said to be printed in. Holland, anno 1662, the original in the late sir Hans Sloane's collection, entitled, A brief account of New Netberland.—In 1683 the Dutch had a meeting place for religious worship at New-Castle; and the swedge three, one at Christeen, one at Tenecum, and one at Wicco.

A.D. 1631. unable to live here, and therefore removing, named the place Musketoeburgh.

The Dutch feem to have had a very great opinion of the land near the Delaware, and were under great apprehensions of being dispossessed by the English, who they complained had diverse times attempted to fettle about that river and judged if they once got footing, they would foon fecure every part, fo that neither Hollander nor Swede would have any thing to fay Ploeyden. here; in particular they mention fir Edmond Ploeyden, as claiming property in the country, under a grant from king James the first, who they alledge declined any dispute with them, but threatned to give the Swedes a visit, in order to disposses them.

de or made to John

e. In 1648, a pamphlet was published, entitled, 'A description of . the province of New Albion, and a direction for adventurers with finall flock to get two for one, and good land freely; and for gentlemen and all servants, labourers and artificers, to live plentifully; and a former description reprinted, of the healthiest, pleasantest and richest \* plantation of New Albion in North Virginia, proved by thirteen witnesses; together with a letter from master Robert Evelin, that lived there many years, shewing the particularities and excellency Tibereof; with a brief of the charge of victualling and necessaries, to t transport and buy flock for each planter or labourer there, to get bit mafter L. 50 per annum, or more, in twelve trades, and at f. 10, 4 charges only a man.'

From a few extracts of this pamphlet, the reader will fee an account of the country in fome respects more descriptive than is commonly to be found of that date; he will however, allow for a Tittle more being faid than was necessary in some places.

Now for the full and ample fatisfaction of the reader, of his majesty's just title, and power to grant, enjoy, and possess these countries, as well against aliens as Indians, which this forty years hath not been by print declared, you may read at large mafter Hacluit's voyages and discoveries, master Purchas and captain Smiths: for when the Spaniard and Portugall discover'd and posfeft 140 years fince the East Indies, Brafill, the fouth part of America, the Charibees and Antell ifles, and feated Saint John de Porto Rico, Hispaniola, Jamaica and Cuba, and the fort and port of Havannah, against the gulf and current, Batuana illes, and point of Florida; then that most powerfull and richest king of Europe, king Henry the seventh of England, sent out an Englishman born

from his arrival until about the year 1634, when he returned

A. D.

s at Bristol, called Cabot, granted under his greate seale to him all places and countrys by him to be discovered and possest, who then beginning at Cape Florida discovered, entred on, took possession, fet up croffes, and procured atturnment and acknowledgement of the Indian kings to his then majesty, as head, lord and emperour of the fouth west America, all along that coast both in Florida from 20 degrees to 35, where old Virginizin 35 and 30 minutes, 6 6 years fince was feated by 5 feveral colonies about Croatan cape, Halorafke, and Rawley's ifle, by fir Walter Rawley, who had from queen Elizabeth that place, and two hundred leagues from it in all places adjoyning; fir Richard Greenfield, fir Ralph Lane, and master White his partners seating and fortifying there; the said Cabot farther taking possession in 37, of that part called Virginia and Chifapeack Bay being now his majesty's demestre colony of Virginia, and of the next great bay in or near 39, called now by the Dutch Cape Henlopen, the fouth river, and by us Cape James and Delaware Bay, of the baron of Delawares ! name, being then governor of Virginia, who by fir Thomas Dale, and fir Samuel Argoll, 40 years fince took possession and atternment of the Indian kings, and 60 years fince fir Waker Rawley feated and left 30 men, and four pieces of ordinance, and the creek near Cape James, by the Dutch called Horekill, by us Roymount, and by the Indians Chr Achomoca; and so the next, river by us called Hudson's river, of the name of Hudson an Englishman, the discoverer thirty five year fince, who fold his discovery, plots and cards to the Dutch; and so Caoot discovered feverall rivers and countries all along the coast North-East, now called New-England, and divided in nine severall governments, and further discovered Pore Royall, and that part called New-Scotland, and fet up croffes, where you may fee in the French book called New-France, the French found an old croffe all moss, f in an eminent place at the head of that bay and port, and difcovered all that coast and Newfoundland, and that called Terra de Laborador, or New-Britain, as far as the frozen frait of Davis; fhortly after one mafter Hore in the reign of king Henry the 8th, reneued this actuall possession, atturnment of the Indian kings, brought home divers of the chief: Indian kings to England, who gave their homage and oath of fidelity for these countries to king Henry the eight in person, setting on his throne in state in his palace hall at Westminster. Then Virginia being granted, settled, and all that part now called Maryland, New-Albion and New-Scotland, being part of Virginia, fir Thomas Dale and fir Samuel Argoll, captains and counfellors of Virginia, hearing of divers aliens and intruders, and traders without license, with a vessell and forty foldiers, landed at a place called Mount Defert, in f Nova-Scotia, near St. John's River, or Twede, possest by the

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A. D. 1654. Papegoia.

returned to Sweden, having first deputed his son-in law, John Papegoia, governor in his stead, who also some

f French, there killed some French, took away their guns, and difmantled the fort, and in their return landed at Manhatas-Isle in "Hudson's river, where they found four houses built, and a pretended Dutch governor, under the West-India company of Amsterdam share or part; who kept trading boats, and trucking with the Indians; but the said knights told him, their commission was to expell him and all aliens, intruders on his majesty's dominions and territories; this being part of Virginia, and this river an English discovery of Hudson an Englishman, the Dutchman contented them for their charge and voiage, and by his letter fent to Virginia and recorded, submitted himself, company and plantation to his majesty, and to the governor and government of Virginia; but the next pretended Dutch governor in maps of printed cards, calling this part New-Netherland, failing in paying of customes at his return to Plymouth in England, was there with his bever, goods and person attached to his damage of £. 1500, whereupon t at the fuit of the governor and councill of Virginia, his now ma-• jesty by his embassadour in Holland, complaining of the said aliens f intrusion, on such his territories and dominions, the said lords, the flates of Holland by their publique instrument declared, that they did not avow, nor would protect them, being a private party of f the Amsterdam West-India company, but lest them to his majesty's will and mercy: whereupon three feverall orders from the council table, and commissions have been granted for the expelling and f removing them thence, of which they taking notice, and knowing their weaknesse and want of victuals have offered to sell the same for £. 2500, and lastly taking advantage of our present war and distractions, now ask f. 7000, and have lately offered many affronts and damages to his majeries subjects in New-England: " and in generall endanger all his majesty's adjoyning countries, most wickedly, feloniously, and traiterously, contrary to the marine and admiral laws of all christians, sell by wholesale guns, powder, flot and ammunition to the Indians, instructing them in the use of our fights and arms; infomuch as 2000 indians by them armel, ! Mohawks, Raritons, and fome of Long life with their own guns to fold them, fall into war with the Dutch, destroyed all their scattering farms and boors, inforcing them all to retire to their up fort, 40 · leagues up that river and to Manhatas, for all or most retreating to Manhatas, it is now a pretty town of trade, having more English than Dutch: and it is very confiderable that three years fince Stay their governor put out his declaration, confessing that the neighbour English might well be offended with their selling Indians arms and ammunition, but being but a few and fo fcattered, they could not live elfe there, or trade, the Indians refusing to trade or fuffer the Dutch to plow without they would fell them guns. The t like folly they committed and inconvenience to themselves, and ( all

fometime after returned to his native country, and left the government to John Ryfing: He renewed the Ryfing. league

f all English, for eight years since, in their West-India sleet, thattered by the Spanish Armado, they brought home forty Swedish poor foldiers; and hearing that capt. Young and mafter Evelin, had given over their fort begun at Eriwomeck within Delaware Bay, there half starved and totter'd they left them, who learning the Indian language, and finding much talk and trials of a gold mine there, though in truth fifty shillings charges produced of that light fand but nine shillings in gold, and therefore was of capt. Young that tried it flighted; yet one Bagot under the Swedes name and commission, there traded to crosse the Dutch of Manhatas, and to underfell them, and left and seated there, eighteen Swedes, who proclaiming a gold mine drew more to them, and have gotten a great trade; and now this last summer fifteen Swedes and fifteen Dutch had a skirmish; the Swedes pulled down a Dutch trading house, and doe both underfell them and spoiled much their and English trading with the Indians, both striving to t please and side with the Indians, both entertaining and refusing to return all English fugitives and servants. The Swedes hiring out three of their foldiers to the Safquehannocks, have taught them the use of our arms and fights, and marching with them into the king's own colony of Virginia, have carried thence the king of Pawtomeck prisoner, and expell'd his and eight other Indian nations in Maryland, civiliz'd and subject to the English crown. Now if a proclamation of open war be fet out against the Dutch and Swedes for this their villainy, and all English forbid to trade, victuall or relieve them, they must both vanish, especially if those bad English that live, adhere and obey these ailens in these his majesty's countries, be warned of the statute of king ' James of famous memory, in these words: That all subjects giving any obedience or acknowledgment to any forain prince, state, pope, or potentate, within his majesties territories and dominions in England or beyond the sea, is a traitor, and ought to suffer as a traitour. And certainly all English, and chiefly those of New-England being ready in twenty four hours will joyn to expel them both to regain their own trade, to get their feats, and to be rid of the danger of armed gunning Indians.

Whereas that part of America, or north Virginia, lying about 39 degrees on Delaware Bay called the province of New Albion, is scituate in the best and same temper, as Italy, between too cold Germany, and too hot Barbary: so this lying just midway betweene New England 200 miles north, and Virginia 150 miles fouth, where now are settled 8000 English, and 140 ships in trade, is freed from the extream cold and barrennesse of the one, f and heat and aguish marshes of the other, and is like Lumbardy, and a rich fat foil, plain, and having 34 rivers on the main land 1 17 great Isles, and partaketh of the healthiest aire and most f excellent

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league of friendship with the English and Dutch in the neighbourhood, and formally with the Indians;

excellent commodities of Europe, and replenished with the goodlieft woods of oaks and all timber for thips and maits, mulberries, wine, and raifins, and with the greatest variety of choice fruits, fish and fowl, stored with all forts of corn, yeelding 5, 7 and 10, 9 quarters an acre: silkgras, salt, good mines & diers ware, 5 forts of deer, buffes, and huge elks to plow and work, all bringing 3 young at once. The uplands covered many moneths with berries, roots, cheftnuts, walnuts, beech & oak mast to feed them, hogges and turkeys, 500 in a flock, and having near the colony of Manteles 400000 acres of plain mead land, and meer levell, to be flowed and fludded by that river for corn, rice, rapes, flax and hemp. After 17 years trading and discovery there and triall made, is begun to be planted and stored by the governor and company of New Albion, confifting of forty four lords, baronets knights and merchants, who for the true informing of themselves, their friends, adventurers and partners by refidents and traders there four feverall years out of their journall books, namely, captains Browne, a ship-master, and master Stafford his mate, and by captaine Claybourn 14 years there trading, and Constantine his indian there born and bred, and by master Robert Evylin, 4 years there, vet by eight of their hands subscribed and enrolled doe testifie this to be the true state of the country, of the land, and Delaware Boy or Charles River, which is further witnessed by captain Smith and other Books of Virginia and by New Englands prospect, new Canaan, captain Powels map, and other descriptions of New England and Virginia.

Mafter EVELIN's Letter,

Good Madam:

Sir Edmund our noble governour and lord earl Palatine, perfifing fill in his noble purpose to go on with his plantation in Dela-ware or Charles River, just midway between New England and · Virginia, where with my unckle Young I severall years resided, hath often informed himselfe both of me and master Stratton, as I perceive by the hands subscribed of Edward Monmouth, Tenis Palee, and as mafter Buckham, mafter White, and other Shipmasters, and saylors, whose hands I know, and it to be true, that there lived and traded with me, and is sufficiently instructed of the flate of the country, and people there, and I should very gladly according to his defire, have waited on you into Hamshire to have informed your honour in person, had I not next weeke been passing to Virginia. But neverthelesse to satisfie you of the truth, I thought good to write unto you my knowledge, and first to describe you from the north fide of Delaware unto Hudsons river in fir Edmunds patent, called new Albion, which lieth just between New England and Maryland, and that ocean sea, I take for this purpose a meeting was held with the Sachems or Indian chiefs, at Printz's hall, on Tenecum island, where

A. D. 1654

it to be about 160 miles, I finde some broken land, isles and inlets, and many small isles at Egbay: But going to Delaware Bay, by Cape May, which is 24 miles at most, and is as I understand very well fet out, and printed in captain Powels map of New-England, done as is told mee by a draught I gave to M. Daniel, the plot-maker, which fir Edmund faith you have at home, on that north fide about five miles within a Port, or rode for any ships called the Nook. and within lieth the king of Kechemeches, having as I suppose about 50 men, and 12 leagues higher a littleabove the Bay and Bar is the river of Manteses, which hath 20 miles on Charles river, and 30 miles running up a fair navigable deep river 'all a flat levell of rich and fat black marsh mould, which I think to be 300000 acres: In this fir Edmund intendeth as he faith to fettle, and there the king of Manteles hath about 100 bow-men; next above about 6 leagues higher is a fair deep river, 12 miles navigable, where is freeftone, and there over against is the king of Sikonesses, and next is Asomoches river and king with an hundred men, and next is Eriwoneck a king of forty men where we fate down, and five miles above is the king of Ramcock with a hundred men, and four miles higher the King of Axion with two hundred men, and next to him tenne leagues over land an inland king of Calcefar, with an hundred and fifty men, and then there is in the middle of Charles river two fair woody illes, very pleafant and fit for parks, the one of a thousand acres, the other of fourteen hundred, or thereabout. And fix leagues higher neer a creek called Mofilian, the king having two hundred men. And then we come to the Fals, made by a rock of lime ftone, as 'I suppose it is, about fixty and five leagues from the sea, near to which is an ifle fit for a city, all materials there to build; and above the river fair and navigable, as the Indians inform me, for I went but ten miles higher. I doe account all the Indians to be eight hundred, and are in feveral factions and war against the Sasquehannocks, and are all extream fearfull of a gun, naked and unarmed against our shot, swords, and pikes. I had some bickering with fome of them, and they are of so little esteem, as I dust with fifteen men fit down, or trade in despight of them, and fince my return eighteene Sweeds are settled there, and so sometime fixe Dutch doe in a boat trade without fear of them.

I saw there an infinite quantity of bustards, swans, geese, and sowl, covering the shoares as within the like multitude of pigeons, and store of turkies, of which I tried one to weigh forty and fixe pounds. There is much variety and plenty of delicate fresh and sea-sish, and shell-sish, and whales, or grampus: elks, deere that bring three young at a time & the woods bestrewed many moneths with chestnuts, wall-nuts, and mast of severall forts to feed them, and hogs, that would increase exceedingly. There the barren

grounds

A. D.

where a speech was made to them in behalf of the queen of Sweden, expressing the desires the Swedes

grounds have four kindes of grapes and many mulberries with afh) elms, and the tallest and greatest pines and pitch trees, that I have feen. There are cedars, cypresse and fassafras, with wilde fruits, pears, wilde cherries, pine-apples, and the dainty parfemenas, And there is no question but almonds, and other fruits of Spain will prosper, as in Virginia. And (which is a good comfort) in four and twenty houres you may fend or goe by fea to New England or Virginia, with a fair winde, you may have cattle, and from the Indians two thousand barrels of corn, at twelve pence a bushel in truck, fo as victuals are there cheaper and better, then to be transported: Neither do I conceive any great need of a fort or charge, where there is no enemy!

If my lord Palatine, will bring with him three hundred men or more; there is no doubt but that he may doe very well and grow rich, for it is a most pure healthfull air, and such pure wholes springs, rivers and waters, as are delightfull, of a defert, as can be feen, with so many varieties of severall flowers, trees and forrefts for swine, So many fair risings and prospects, all green and verdant: and Maryland a good friend and neighbour, in four and

twenty houres ready to comfort and supply.

And truly I beleeve, my lord of Baltamore will be glad of my lord Palatines plantation and affiftance against any enemy or bad neighbour. And if my lord Palatine employ some men to sow flaxe, hemp and rapes in those rich marishes, or build ships and make pipe staves, and load some ships with these wares, or fish from the northward, he may have any money; ware, or company brought him by his own ships, or the ships of Virginia or New England all the year.

And because your honour is of the noble house of the Pawlets; and as I am informed, defire to lead many of your friends and kindred thither, whom as I honour, I defire to ferve, I shall intreat you to beleeve mee as a gentleman and christian; I write you nothing but the truth, and hope there to take opportunity in due feafon to visit you, and doe all the good offices in Virginia, my place or friends can ferve you in. And thus tendering my Madam, fervice, I reft,

Your honours most humble faithfull fervant, ROBERT EVELIN.

Now fince master Elmes letter and seven years discoveries of the lord governor in person, and by honest traders with the Indiana we finde befide the Indian kings by him known and printed, in this province there is in all twenty three Indian kings or chief commanders, and besides the number of 800 by him named, there is at least 1200 under the two Raritan kings on the north fide next to Hudsons river, and those come down to the ocean

about little Egbay and Sandy Barnegate, and about the South cape two small kings of forty men a piece, called Tirans and Tiascons, and a third reduced to fourteen men at Roymont, the Safquehannocks are not now of the naturals left above 110, tho with their forced auxillaries the Ihon a Boes; and Wicomeles they can make 250: these together are counted valiant and terrible to other cowardly dul Indians, which they beat with the fight of guns only.

The eight feat is Kildorpy, neer the fals of Charles river, neer 200 miles up from the ocean; it hath clear fields to plant and fow and neer it is fweet large meads of clover or honyfuckle, no where else in America to be seen, unlesse transported from Europe, a fine 140 tuns may come up to their the rocks, and ten 140 tuns may come up to these fals which is the best feat

leagues higher are lead mines in flony hils.

The ninth is called mount Ployden, the feat of the Rariton king on the north fide of this province twenty miles from Sandhay fea, and ninety from the ocean, next to Amara hill, the retired paradife of the children of the Ethiopian emperour, a wonder for it is a square rock, two miles compasse, 150 foot high, a walllike precipice; a ftrait entrance; eafily made invincible, where he keeps two hundred for his guard, and under it is a flat valley, all plain to plant and fow.

The Sasquehannocks new town is also a rare, healthy and rich place, with it a crystal broad river, but some fals below hinder navigation; and the hooke hill on the ocean with its clear fields neer Hudsons river on one side, and a ten leagues slowing river on the fouth fide is much commended for health and fifth, were it not

fo northerly.

The bounds is a thousand miles compass, of this most temperate rich province, for our fouth bound is Maryland north bounds, and beginneth at Aquats or the fouthermost or first cape of Delaware Bay, in thirty eight and forty minutes, and so runneth by, or through, or including Kent Isle, through Chisapeask Bay to Piscataway; including the fals of Pawtomecke river to the head or northernmost branch of that river, being three hundred miles due west, and thence northward to the head of Hudson's river fifty leagues; and fo down Hudson's river to the ocean fixty leagues; and thence to the ocean and iftes acrosse Delaware Bay; to the South cape fifty leagues; in all feven hundred and eighty miles. Then all Hudson's river, iftes, Long Iste, or Pamunke, and all ifles within ten leagues of the faid province being; and note, Long ille alone is twenty broad, and one hundred and eighty miles long, to that alone is four hundred miles compatte. Now I have examined all former patents, some being surrenderd, and fome adjudg'd void, as gotten on false suggestions, as that at the councell.

A. Di evil amongst them; because many of the Indians since their coming were dead; but the Swedes now making them confiderable prefents, these received and divided amongst them, one of their chiefs, whose name was Noaman, made a speech rebuking the fest for having spoken evil of the Swedes, and done them harm ; telling them they should do so no more, that the Swedes were a good people, and thanking them for the prefents, promised for the future, that a more ftrict friendship should be observed betwixt them: That as formerly they had been but one body and one heart, they should be henceforward, as one head, as

de built on their councell table was at mafter Gonges fuit, of Mantachufets, and as capt. Clayborn, heretofore fecretary and now treasurer of · Virginia, in dispute with master Leonard Calvert alledgeth; that of Maryland is likewise word in part as gotten on false suggestions; for as capt. Clayborn, sheweth the Maryland patent in the first e part declareth the king's intention to be to grant a land thereafter described, altogether dishabited and unplanted, though possess with Indians. Now Kent ifle was with many housholds of · English by C. Clayborn before seated, and because his majesty by his privy fignet shortly after declared it was not his intention to grant any lands before feated and habited; and for that it little by the Maryland printed card, clean north-ward within Albion; and not in Maryland, and not onely late fea-men, but old depositions in Claybornes hand, shew it to be out of Maryland; and for that Albions privy fignet is elder, and before Maryland a patent, Clayborn by force entered; and thrust out master Calvert out of Kent; next Maryland patent coming to the ocean, faith along by the ocean upon Delaware Bay; that is the first cape of the two most plain in view, and exprest in all late English and Dutch cards; and note unto Delaware Bay is not into the Bay, not farther then that cape heading the Bay, being in thirty eight and forty, or at most by seven observations I have seen, thirty eight and fifty minutes: So as undoubtedly, that is the true intended and ground bound, and line, and no farther, for the words follows ing, are not words of grant, but words of declaration; that is, Which Delaware Bay lieth in forty degrees where New-England ends; these are both untrue, and so being declarative is a falle fuggestion; is void, for no part of Delaware Bay lieth in forty. Now if there were but the least doubt of this true bounds, I should wish by confent or commission, a perambulation and boundary, not but there is land enough for all, and I hold Kent ifle having lately but twenty men in it, and the mill and fort pulled down, and in war with all the indians neer it, not worth the keeping.

1654

a token of which he waved both his hands as if tying a strong knot, promising also that if they heard of any mischief plotting against the Swedes, although it were midnight, they would give them notice, and defired the like notice from the Swedes, if they underflood harm was intended them; the Swedes then defiring the Indians in general would give them fome fignal that they all affented to what was faid; they gave a general shout of approbation, and in the conclusion were entertained by the Swedes with victuals and drink; it was observed the Indians kept this league faithfully: The Swedish ships sent to succour this new colony, being obstructed in their intended voyage, by the Spaniards; and the Swedes unable for want of money to keep their forts in repair; gave their more powerful neighbours the Dutch, opportunity with less danger to make encroachments upon them. Accordingly, in this year, the Dutch who inhabited near Virginia and New-Sweden, gave the Swedes disturbance, seeking to regain the forts they had formerly possessed: But this by means of the Swede governor, with Peter Stuyvesant, who commanded under the Dutch, at New-Amsterdam, was in appearance fettled; yet in the year following, the Dutch fitted out seven vessels from New-Amsterdam, with fix or feven hundred men; who in the fummer, under the command of Stuyvesant, came up Delaware, and took their first quarters at Elsingburgh, where they made some Swedes prisoners: Next they failed fant's extowards a fort called Holy Trinity; having landed pedition. their men at a point near the place, and intrenched themselves, they soon after went up to the fort, and demanded a furrender, threatning what they would do in case of refusal: After which, by treaty or otherwife, they gained possession, took down the Swedes gains possess, and hoisted their own, securing all places with testion.

1655:

A. D. 1655. their foldiers, and fending the Swedes they had taken prisoners, on board their vessels:---An acquisition deemed considerable, because this fort was looked upon as the key of New-Sweden.

On the fecond of September, they belieged Chriftiana fort and town; and destroyed New Gottemburgh, with fuch houses as were without the fort; plandering the inhabitants of what they had, and killing their cattle; the Swedes endeavoured to perswade the Dutch to defift from these acts of hostility, but to no purpose: After 14 days siege, they (in want of Ammunition) were obliged to furrender upon terms :--- That all the great guns should be restored; to which purpose an inventory was taken; the Swedes had also the gratification to march out of the fort, with their arms, their colours flying, and drums beating. The officers and other principal inhabitants among the Swedes, were carried prisoners to New-Amsterdam, and thence to Holland; but the common people submitting to the Dutch, remained in the country.

1664.

Terms.

From this time till the year 1664, New-Sweden, and New-Netherland, continued in possession, and under government of the Dutch; who, on the island called Manhattan, at the mouth of Hudson's river, had built the city, which they named New-Amsterdam (New York); and the river they fometimes called the Great River: About 150 miles up, they built a fort, and called it Orange, (Albany) from thence they drove a profitable trade with the Indians, who came over land as far as from Quebec, to deal with them. The first bounds of New-York, were Maryland on the fouth, the main land as far as could be discovered westward, the river of Canada northward, and New-England eaftward: But the limits of this province, by the grants afterwards, were reduced into a much narrower compass; that now called New-Jerfey, in virtue of one of those grants,

was

1664

was probably fo denominated, in compliment to fir George Carteret, one of the proprietors, and a Jersey man f.

## CHAP. III.

The particulars of the English conquest in 1664, and the transactions afterwards respecting the inhabitants on Delaware: The arrival of Francis Lovelace, as governor, part of bis administration, and description of the Hoarkills.

KING Charles the fecond, confidering of what ill consequence a Dutch colony must be in the heart of his dominions, and determining to disposses them, gave a patent to his brother the duke of York, for a great part of North-America, in which were included the provinces New-York, New-Jersey, and all other lands thereunto appertaining, with powers of government : And though his reign was not enterprizing, the Duke's concern in this property, and the aversion of both to the Dutch & made the reduction of this country the first military stroke. Before there was any formal declaration of war with Holland, Sir Robert Carre, Sir Robert was fent to America, with a small fleet and some land Carre, &c. forces, to put the Duke in possession of the country; this appears by the date of the commission given on this occasion, which was the 26th of April 1664, and the war with Holland was not declared till fome months after.

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Thus the Dutch here, being unprovided for defence against a royal squadron and land forces, rendered the D2 expedition

f. It is faid for some little time at first, to have bore the name New-Canary.

g. Vid. Life of E. of Clarendon, Oxford printed at Clarendon printing house. Vol.ii. p. 373, &c.

expedition fafe and easy, Carre had joined with him in commission, col. Richard Nicolls, George Cartwright, and Samuel Meverike. They arrived at Hudarrives and son's River the latter end of 1664, at which time the Dutch could have but very little notice b. of the designed rupture: The land forces confifting of three hundred men, were under the command of col. Nicolls. The Dutch governor, an approved foldier, who had loft a leg in the service of the states, being unprepared for this attack, and knowing perhaps the defects of the Dutch title, at least their present incapacity of defence, was dispossesses the Dutch. after some time prevailed on to surrender quietly. The papers and messages that passed between him and the

> infight into the manner and terms of this furrender. When the English arrived at New Amsterdam, a proclamation was made and fpread through the country of the defign of their coming, conceived in the terms following.

> English on this occasion, will give the reader a full

By his Majesty's command.

Proclamation.

Forasmuch as his majesty hath sent us by commisfion, under his great feal of England, amongst other things, to expel or to reduce to his majefty's obedience, all fuch foreigners as have without his majefty's leave and confent, feated themfelves amongst any of his dominions in America, to the prejudice of his majelty's subjects and the dimunition of his royal dignity: We his majesty's commissioners do declare and promise, that whosoever of what nation soever, will upon knowledge of this proclamation, acknowledge and testify themselves to submit to his majesty's government, as his good subjects ought to do, shall be protected by his majesty's laws and justice, and peaceably enjoy whatfoever God's bleffing and their own honest industry have furnished them with; and all

b. The first notice they had was from Thomas Willet, an Englishman, about 6 weeks before their arrival.

1654.

other privileges with his majesty's English subjects: We have caused this to be published, that we might prevent all inconveniencies to others if it were poffible, however, to clear ourselves from the charge of all those miseries that anyway may befall such as live here,

and will not acknowledge his majesty for their fove-' reign: Whom God preserve.'

The Dutch governor Stuyvefant, upon notice of the arrival of the English in the Bay, dispatched the following letter,

Right honourable Sirs,

Whereas we have received intelligence, that about three days since, there arrived an English man of war, or frigate in the Bay of the North River, fant's letter belonging to the New Netherlands, and fince that ' three more are arrived, by what order or pretence is 'yet unknown to us; and having received various reports concerning their arrival upon this coast, and 'not being apt to entertain any prejudice intended ' against us, have by order of the commander in chief of the New Netherlands, thought it convenient and requifite, to fend the worshipful the bearer hereof, 'that is to fay, the worshipful John Declyer, one of the chief council, the reverend John Megapolenfis, ' minister. Paul Leendelvandergrift, mayor of this town, and have joined with them Mr. Samuel 'Megapolensis, doctor in physick, whom by these 'prefents I have appointed and ordered, that with the ' utmost respect and civility, they do desire and entreat of the commander in chief of the aforesaid men of 'war or frigates, the intent and meaning of their 'approach, and continuing in the harbour of Naijacly, 'without giving any notice to us, or first acquainting 'us with their delign, which action hath caused much 'admiration in us, having not received timely know-'ledge of the same, which in respect to the govern-'ment of the place, they ought, and were obliged to have done; wherefore upon the confiderations afore-' faid, it is defired and entreated from the general of

the aforesaid men of war or frigates, as also from our

before deputed agents, whom we defire your honours civily to treat, and to give and render unto them,

the occasion of your arrival here upon this coast, and

you will give an opportunity (that after our hearty falutes and wellwishes of your health,) to pray, that

you may be bleffed in eternity, and always remain,

right honourable firs, your honours affectionate.

By order and appointment of the governor and commander in chief of the council of New Netherlands, the 19-29 of August, 1664.

CORNELIUS RUYVEN, Secretary."

To this letter col, Nicols fent the answer following,

To the honourable the governor and chief council at the Manhatans.

' Right worthy Sirs,

Nicolls's reply.

I received a letter by some worthy persons entrusted by you, bearing date the 19-29th of August, desiring to know the intent of the approach of the English frigates, in return of which I think fit to let you know, that his majesty of Great-Britain, whose right and title to these parts of America is unquestionable, well knowing how much it derogates from his crown and dignity, to fuffer any foreigners how near foever they be allied, to usurp a dominion, and without his majesty's royal consent, to inhabit in these or any other his majesty's territories; hath commanded me in his name, to require a furrender of all fuch forts, towns or places of strength, which are now possessed by the Dutch under your commands; and in his " majefty's name I do demand the town fituate upon the 'island commonly known by the name of Manhatoes, with all the forts thereunto belonging, to be rendered unto his majesty's obedience and protection into my hands: I am further commanded to affure you, and every

i. The Indian name, by which New-York island was formerly called.

every respective inhabitant of the Dutch nation, that his majesty being tender of the effusion of christian blood, doth by these presents, confirm and secure to every man, his estate, life and liberty, who shall ' readily fubmit to his government; and all those who ' shall oppose his majesty's gracious intentions, must expect all the miseries of a war which they bring upon themselves. I shall expect your answer by those gentlemen, colonel George Cartwright, one of his ' majesty's commissioners in America, captain Robert 'Needham, capt. Edward Groves, and Mr. Thomas Delavall, whom you will entertain and treat with fuch civility as is due to them and yourselves, and you shall receive the same from, worthy sirs, your very hum-RICHARD NICOLLS. ble fervant,

Dated on board his majesty's ship the Guinea, riding before Naijack, the 20-30 of August 1664.

Stuyvesant now fully informed of the English general's business from himself, returned in answer:

That they were so confident of the discretion and equity of his majesty of Great-Britain, that were his ' majefty truly informed of their right, he would not have given such an order: That the Dutch came not 'into these provinces by any violence, but by virtue of a commission from the states general in 1614, when they fettled the North River, near fort Orange, and ' to avoid the invalions and maffacres commonly com-' mitted by the favages; they built a little fort there: 'That afterwards in the year 1662, and at the present 'time, by virtue of a commission and grant to the 'governor of the West-India company, and another in the year 1656 of the South River, to the burgo-' mafters of Amfterdam, they had peaceably governed 'and enjoyed these provinces: That they were the first 'discoverers, had purchased the land of the natives, princes of the country; and had continued in the 'uninterrupted possession thereof: That they made 'no doubt that if his majesty of Great-Britain, were truly informed of these passages, he was too judicious

Stuyvefant's anfwer.

to give any order that the places and fortreffes in their hands should be given up, especially at a time when so

ftrict a friendship subsisted between his majesty and the fates general: That the offering any act of hostility and

violence against them, would be an infraction of the

treaty, which subsisted between his majesty of Great-Britain and the states general: That as to the threats

in the conclusion of general Nicolls's letter, he had

nothing to answer, only that they feared nothing but

what God should lay upon them.

Col. Nicolls, receiving this answer, found nothing was to be done by delay; and being resolved to afferthis masters right in the best manner he could, directed an order to capt. Hide to this effect :

Order to Hide.

Whereas the governor and council of the Dutch plantation upon the Manhatoes, in Hudson's River,

have in answer to a summons returned their resolutions

to maintain the right and title of the states general and West-India company of Holland, to their forts,

towns and plantations in these parts of America: I

do therefore in profecution of his majefty's fervice,

recommend to captain Hugh Hide, commander in

chief of the squadron, to prosecute with the advice

of the captains under his command, his majesty's claim and interest, by all ways and means as they shall

think most expedient, for the speedy reducing the

Dutch under his majesty's obedience, and for fo doing

this shall be their warrant. Given under my hand

the 24th of August 1664, on board his majesty's ship the Guinea. RICHARD NICOLLS.'

It appearing by this order, and preparations in consequence of it, that the English were not come for amusement only; Stuyvesant thought it best before matters were carried too far, to propose one expedient more; this he did by letter to col. Nicolls, the 4th September.

My Lord,

'Upon our letter the day before yesterday, and fant's third upon the communication by word of mouth, of our deputies

deputies, touching the just right and possession; without dispute of my lords, the states general of the united provinces, as also of our discovery of the news from Holland; which makes us not to doubt but that the king of Great-Britain, and my lords the faid states, are at this hour agreed upon their limits: this had given us hope my lord to avoid all dispute; that you would have defisted from your defign, or at least have given time that we might have heard from our mafters; from which expectation we have been frustrated by the report of our said deputies, who have affured us by word of mouth, that you 'perfift on your fummons and letter, of 20-30 August, upon which we have no other thing to answer, but that following the order of my lords the states general, we are obliged to defend our place; how-'ever that in regard that we make no doubt, that 'upon your affault and our defence, there will be a great deal of blood spilt; and besides it is to be feared greater difficulty may arise hereafter; we have 'thought fit to fend unto you, Mr. John de Decker, counsellor of state; Cornelius Van Riven, secretary 'and receiver; Cornelius Steenwick, mayor, and ' James Couffea, sheriff; to the end of finding some ' means to hinder and prevent the spilling of innocent blood, which we esteem my lord not to be your 'intention; praying that you will please to appoint a 'place and hour, and fend or cause your deputies to 'meet there, with full commission to treat and seek 'out the means of a good accommodation; and in 'the mean time to cause all hostility to cease: Upon 'which, after recommeding you to the protection of 'God, we remain, my lord, your thrice affectionate 'friend and fervant,

## P. STUYVESANT.

To this col. Nicoll's replyed, in a letter directed to the honourable the governor of the Manhatoes, as follows;

Right

A. D. 1664, Right worthy fir,

In answer to yours of the 4th of September, new file, by the hands of John de Decker, counsellor of ftate, Cornelius Van Riven, fecretary and receivet. \* Cornelius Steenwick, burgo master, and James " Causseau, sheriff, I do think it once more agreeable to the kings intentions, and my duty to his firid commands, to propose and receive all ways and means of avoiding the effusion of christian blood; of which fincere intention, I suppose you are already fully fatisfied, and shall have no cause to doubt it for the future; as also that I do insist upon my first fummons and message to you, for a speedy surrender of the towns and forts now under your command, into his majesty's obedience and protection. You \* may eafily believe that in respect of greater difficulties which are ready to attend you, I should willingly comply with your proposition to appoint deputies, place and time to treat of a good accommodation; but unless you had also given me to know, that by fuch a meeting you do intend to treat upon articles of furrender, I do not see just cause to defer the purfuance of his majesty's commands, my first demand and my last answer, of reducing your towns and forts to his majesty's obedience; which, why you call acts of hostility, I see no reason: However, since you have given yourfelf and messengers this new trouble. I shall also take this fresh occasion, to assure you that I heartily wish health, peace and prosperity, to every inhabitant of your plantations, and particulary to yourfelf, as being your affectionate humble fervant, RICHARD NACOLLS.

Gravesend, 25th August 1664.

The Dutch governor finding Nicolls grew more resolute in his enterprize, and the country in general for him, after having tried, in vain, what other pacifick expedients he could, at last agreed to a surrender of the fort and province under his government, and commissioners were authorized to treat upon the articles; those

1664. Commis-

on the part of the English were, fir Robert Carre, knt. colonel George Cartwright, John Winthrop, efq; governor of Connecticut, and Samuel Willis, one of his fioners. council, capt. Thomas Clarke, and capt. John Punctwon, commissioners from the general court of the Maffachusetts, the persons named by governor Stuyvefant were, John de Decker, Nicholas Varlett, commiffary, concerning matters of traffick, Samuel Megapolensis, Cornelius Steenwick, Stephen Courtland, and James Couffea,

The articles of this treaty as they are figned and confirmed by col. Nicolls and governor Stuyvefant, and fubscribed by the commissioners, bear date the 27th of August 1664 old stile, and are as follows.

I. We consent that the states general, or the West Articles. India company, shall freely enjoy all farms and houses, except such as are in the forts, and that within six months they shall have free liberty to transport all such arms and ammunition, as now do belong to them, or else they shall be paid for them.

2. All publick houses shall continue for the uses which now they are for.

3. All people shall still continue free dennizens, and enjoy their lands, houses, goods, ships wherefoever they are within the country, and dispose of them as they please.

4. If any inhabitant have a mind to remove himself, he shall have a year and six weeks from this day to remove himself, wife, children, servants, goods, and to dispose of his lands here.

5. If any officer of state or publick minister of state have a mind to go for England, they shall be transported freight free in his majesty's frigates, when those frigates return thither.

6. It is confented to that any people may freely come from the Netherlands, and plant in this country, and that Dutch veffels may freely come hither, and any of

the Dutch may freely return home, or fend any fort of merchandize home in vessels of their own country.

7. All ships from the Netherlands, or any other place and goods therein shall be received here and fent hence after the manner which they formerly were, before our coming hither for fix months next ensuing.

8. The Dutch shall enjoy the liberty of their consci-

ences, in divine worship and Dutch discipline.

9. No Dutchman here, or Dutch ship here, shall upon any occasion be pressed to serve in war against any Nation whatsoever,

10. That the townsmen of the Manhatoes shall not have any soldiers quartered upon them, without being satisfied and paid for them by the officers, and that at this present, if the fort be not capable of lodging all the soldiers, then the burgomaster by his officers, shall appoint some houses capable to receive them.

11. The Dutch here shall enjoy their own customs

concerning their inheritances.

12. All publick writings and records, which concern the inheritances of any people, or the reglement of the church or poor or orphans, shall be carefully kept by those in whose hands now they are, and such writings as particularly concern the states general, may at any time be sent to them.

13. No judgment that hath passed any judicature here, shall be called in question, but if any conceive he hath not had justice done him, if he apply himself to the States General, the other party shall be obliged to

answer for the supposed injury.

14. If any Dutch living here, shall at any time desire to travel or traffick into England, or any place or plantation in obedience to his majesty of England, or with the Indians, he shall have upon his request to the governor, a certificate that he is a free Denizen of this place, and liberty it to do,

15. If it do appear that there is a publick engagement of debt, by the town of Manhatoes, and a

way

1664.

way agreed on for the fatisfying of that engagement, it is agreed that the fame way proposed shall go on; and that the engagements shall be fatisfied.

- 16. All inferior civil officers and magistrates, shall continue as they now are, if they please, till the customary time of new election, and then new ones to be chosen by themselves; provided that such new chosen magistrates, shall take the oath of allegiance to his majesty of England, before they enter upon their offices.
- 17. All differences of contracts and bargains made before this day, by any in this country, shall be determined according to the manner of the Dutch.
- 18. If it does appear that the West-India company, of Amsterdam, do really owe any sums of money to any persons here; it is agreed that recognition and other duties payable by ships going for the Netherlands be continued for six months longer.
- out with their arms, drums beating, and colours flying, lighted matches; and if any of them will plant they shall have fifty acres of land set out to them; if any of them will serve any as servants, they shall continue with all safety and become free Denizens afterwards.
- 20. If at any time hereafter the king of Great-Britain and the States of the Netherland, do agree that this place and country be redelivered into the hands of the faid states, whensoever his majesty will send his commands to redeliver it, it shall immediately be done.
- 21. That the town of Manhatans shall choose deputies, and those deputies shall have free voices in all publick affairs.
- 22. That those who have any property in any houses in the fort of Aurania, shall if they please, slight the fortifications there, and then enjoy all their houses as all people do where there is no fort.
- 23. If there be any foldiers that will go into Holland, and if the company of West India in Amster-

dam, or any private persons here, will transport them into Holland, then they shall have a safe passport from col. Richard Nicolls, deputy governor under his royal highness, and the other commissioners, to defend the ships that shall transport such soldiers and all the goods in them from any surprizal or act of hostility to be done by any of his majesty's ships or subjects.

24. That the copies of the king's grant to his royal highness, and the copy of his royal highness's commission to col. Richard Nicolls, testified by two commissioners more and mr. Winthrop, to be true copies, shall be delivered to the honourable Mr. Stuyvesant, the present governor, on Monday next by eight of the clock in the morning, at the old Milne, and these articles consented to and signed by col. Richard Nicolls, deputy governor to his royal highness, and that within two hours after the fort and town called New Amsterdam, upon the island of Manhatoes, shall be delivered into the hands of the said col. Richard Nicolls, by the service of such as shall be by him thereunto deputed by his hand and seal.

The articles agreed on, the fort and city of New-Amsterdam, were surrendered. Some of the house were then built of brick and stone, and in part covered with red and black tile, and the land being high, it made an agreeable prospect to those that visited it from the sea: Most of the Dutch inhabitants remained, and took the oaths to the English government; and they and their posterity have been loyal subjects ever since.

Thirteen days after the furrender of New Amsterdam, col. Nicolls, marched up the country to Orange fort, and having taken it without much resistance, he gave it the name of Albany, the duke of York's

Fort Orange.

k. In the year 1751, as some workmen were digging down the bank of the North River, in New-York, in order to build a fill-house, a stone wall was discovered between four and five feet thick, near eight seet under ground, supposed to have been the breast work of a battery.

Scotch title: But previous to the taking of this fort, the colonel and other commmissioners sent fir Robert Carre with the ships under his command, on an expedi- expedition tion into Delaware bay and river, to reduce the inha- to Delabitants there. To this end they granted him their commission.

A. D. 1664.

Whereas we are informed that the Dutch have His comfeated themselves at Delaware Bay, on his majesty of mission. Great-Britain's territories, without his knowledge and consent, and that they have fortified themselves there, 'and drawn a great trade thither, and being affured that 'if they be permitted to go on, the gaining of this 'place will be of small advantage to his majesty: We 'his majesty's commissioners, by virtue of his majesty's commission and instructions to us given, have advised and determined to endeavour to bring that place and 'all strangers there, in obedience to his majesty, and by 'these do order and appoint that his majesty's frigates, the Guinea, and the William and Nicholas, and all the foldiery which are not in the fort, shall with what 'speed they conveniently can go thither, under the command of fir Robert Carre, to reduce the fame, willing and commanding all officers at fea and land 'and all foldiers to obey the faid fir Robert Carre during this expedition. Given under our hands and 'feals, at the fort in New-York, upon the ifle of Manhatoes, the third day of September, 1664.

RICHARD NICOLLS, GEORGE CARTWRIGHT, SAMUEL MEVERICK.

With this commission, instructions were delivered Carre, respecting the manner in which he was to conduct on his arrival in the bay of Delaware.

Instructions for fir Robert Carre, for the reducing of Delaware bay, and fettling the people there, 'under his majesty's obedience.

When you are come near unto the fort, which is possessed by the Dutch, you shall send your boat

on shore, to summons the governor and inhabitants to yield obedience to his majesty, as the rightful fovereign of that tract of land; and let him and them know, that all the planters shall enjoy their farms, houses, land, goods and chattles, with the fame priviledges, and upon the fame terms which they do now possess them; only that they change their masters, whether they be the West-India company, or the city of Amsterdam. To the Swedes you shall remonstrate their happy return under a monarchical government, and his majesty's good inclinations to that nation, and to all men, who fhall comply with his majesty's rights and titles in Delaware, without force of arms.

'That all cannon, arms and ammunition which belongs to the government, shall remain to his majesty.

'That the acts of parliament shall be the rule for future trading.

That all people may enjoy liberty of conscience.

'That for fix months next enfuing, the fame magiftrates shall continue in their offices, only that they and all others in authority must take the oath of allegiance to his majesty, and all publick acts be

made in his majesty's name.

'If you find you cannot reduce the place by force, or upon these conditions, you may add such as you find necessary on the place; but if those, nor force, will prevail, then you are to dispatch a messenger to the governor of Maryland, with a letter to him; and request his affistance, and of all other English who live near the Dutch plantations.

'Your first care (after reducing the place) is to protect the inhabitants from injuries, as well as violence of the foldiers; which will be eafily effected, if you fettle a course for weekly or daily provisions by agreement with the inhabitants; which shall be fatisfied to them, either out of the proffits, customs or rents belonging to their present master, or in case · The of necessity from hence.

'The laws for the present cannot be altered, as to the administration of Justice between the parties.

A. D. 1664.

'To my lord Baltimore's fon you shall declare, and to all the English concerned in Maryland, that his majesty hath, at his great expence, fent his ships and foldiers to reduce all foreigners in those parts to his ' majesty's obedience; and to that purpose only, you ' are employed: But the reduction of the place being at his majesty's expence, you have commands to keep possession thereof for his Majesty's own beboof and 'right; and that you are ready to joyn the governor of Maryland, upon his majesty's interest on all occasions; and that if lord Baltimore doth pretend right thereto by his patent, (which is a doubtful 'case) you are to say, that you only keep possession 'till his majesty is informed and fatisfied otherwise. In other things, I must leave you to your discretion, 'and the best advice you can get upon the place.'

In pursuance of this commission, Carre soon set fail, with the ships under his command. On his arrival against New-Castle, (then called New-Amstel) the Dutch and Swedes, following the example of their Caftle, capital, New-Amsterdam, capitulated and surrendered their fort. The articles were figned and fealed by the English commanding officer, and fix of the principal inhabitants of the place, on behalf of them-

felves, and others.

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Articles of agreement between the honourable fir, Robert Carre, knight, on the behalf of his ma-' jesty of Great-Britain, and the burgo-masters, on behalf of themselves, and all the Dutch and 'Swedes, inhabiting on Delaware bay, and Delaware river.

1. That all the burgeffes and planters will submit themselves to his majesty, without any resistance.

'2. That whoever, or what nation foever, doth submit to his majesty's authority, shall be protected in their estates, real and personal whatsoever, by his majesty's laws and justice.

2. That the present magistrates shall be continued in their offices, and jurisdictions to exercise their civil power as formerly.

4. That if any Dutchman, or other person shall defire to depart from this river, it shall be lawful for him fo to do with his goods, within fix months after the date of these articles.

. 5. That the magistrates and all the inhabitants (who are included in these articles) shall take the oaths of allegiance to his majefty.

6. That all people shall enjoy the liberty of their

confciences, in church discipline as formerly.

7. That whoever shall take the oaths, is from that time a free Denizen, and shall enjoy all the privi-ledges of trading into any of his majesty's dominions, as freely as any Englishman, and may require a certificate for fo doing.

8. That the schout, the burgo-master, sheriff, and other inferior magistrates, shall use and exercise their customary power, in administration of justice, within their precincts for fix months, or until his

"majesty's pleasure is further known.

Dated October 1st 1664.

New-Amfterdam, Orange Fort, and the inhabitants up Delaware, being reduced, the whole country was in a manner in possession of the English; and things being in a quiet posture about New-York, Nicola was commissioned the 24th of October, 1664, by Cartwright and Mevericke, to repair to Delaware bay, for government of the place, by deputing such officers civil and military, and taking fuch other measures as he should think proper, until the kings pleasure was further known. I Thus things rested till 1668; when Nicolls and his council at New-York, gave the following

1668.

L In the beginning of the year 1565, there was a comet visible to the people on this continent : It had appeared in the November before, and continued four months: It rose constantly about one o'clock inthe morning, in the fouth-east. It was feen likewise in England, and in most other parts of the world, at the same time.

Directions

at Dela-

ware.

ing directions for a better fettlement of the government on Delaware.

. That it is necessary to hold up the name and coun- for the gotenance of a garrison in Delaware, with twenty men vernment and one commission officer.

That the commission officers shall undertake to provide all forts of provision for the whole garrison, at the rate of gd. per day, viz. wholesome bread, beer, pork, peafe or beef; that no just complaint be made of either: That the foldiers, (fo far as conveniently they may,) be lodged in the fort, and keep the Stockadoes up in defence: that the civil government in the respective plantations be continued till further orders.

'That to prevent all abuses or oppositions in civil magistrates, so often as complaint is made, the commission officer capt. Carre, shall call the scout, with Hans Block, Ifrael Holme, Peter Rambo, Peter Cock; Peter Aldrick, or any two of them, as councellors to advise, hear, and determine by the major vote; what is just; equitable and necessary in the case ' and cases in question.

That the fame persons also, or any two or more of them, be called to advise and direct what is best to be done in all cases of difficulty, which may arise from the Indians, and to give their councel and orders for the arming of the feveral plantations and planters, who must obey and attend their summons upon such occasion.

'That two thirds at least of the soldiers remain constantly in and about New-Castle at all hours.

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'That the fines or preminures and light offences,' be executed with moderation, though it is also neeffary that ill men be punished in an exemplary manner.

'That the commission officer capt. Carre, in the determination of the chief civil affairs, whereunto the temporary beforementioned councellors are ordained fhall have a casting voice where votes are equal.

'That the new appointed councellors are to take the oath to his royal highness.

A. D.

Indian

ad T

Murders.

- 'That the laws of the government, established by his royal highness, be shewed and frequently communicated to the said councellors and all others, to the end that being therewith acquainted, the practice of them may also in convenient time be established; which conduceth to the publick wellfare and common justice.
- 'That no offensive war be made against any Indians, before you receive directions from the governor for your so doing.
- You must have recourse by way of appeal, to the governor and council at New-York.

These instructions bore date the 21st of April 1668; within two months afterwards, the government at New-

York received advice, that some of the tribe of the Mantas Indians, nigh Delaware, had murdered the servants of one Tomm. Peter Aldricks and Peter Rambo, arriving soon after, confirm'd that news, and surther inform'd the government, that the Indians in those parts desir'd, there should be an absolute prohibition upon the whole river, of selling strong liquor to the Indians generally; by which it seems the late murders

had probably been the consequence of a drunken frolick; this is the more likely, as the whole body of the Indians in the first settled part of the lands on Delaware, afterwards through a long course of experience, manifested an open hospitable disposition to the English, and were

in the general, far from any designs to their prejudice. The governor and colonel Lovelace wrote to Carre, authorizing him to convene those joined with him in

commission for the management of civil affairs, and with their advice to make all necessary rules and give orders for the government of both christians and

Indians; and because those murders, and the restraining the Indians from strong liquors, might be attended

with difficulties, Carre was ordered, after confulting

the Indians on the best method of proceeding, to fend the state of the matter to the council at New-York.

A. D. 1668.

Another diffurbance that foon followed, took up their attention for a while, and feem'd likely to prove an affair of some consequence against the new-establish'd government, but was prevented by the vigilance of the persons in administration. A Swede at Delaware. who gave out that he was the fon of Coningfmarke, the Sweedish general, went up and down from one place to another, fpreading rumours to the diffurbance of civil peace and the laws, intending thereby to make a party strong enough to raise an insurrection, and if possible, throw off the English allegiance; to him was affociated Henry Coleman, one of the Finns, and Coleman. an inhabitant at Delaware: The last left a good habitation, cattle and corn, and was well verfed in the Indian language; as they both kept very much among the Indians their defigns were the more fuspected. The government however, ordered a proclamation, that if Coleman did not furrender himself, to answer what should be objected against him in fifteen days, his estate should be secured to the king's use; whether he he came in appears not, but the other being a vagrant, more effectual measures were used, so that he was soon in custody; all the rest who had a hand in the plot, were by the government at York, bound to give fecurity to answer for their conduct, and an account of their estates ordered to be taken: The governor in the mean time tells Carre in his letter upon this occasion, 'That 'as for the poor deluded fort, I think the advice of 'their own countrymen is not to be despised, who knowing their temper well, prescribed a method for keeping them in order, which is feverity, and laying fuch taxes on them as may not give them liberty to entertain any other thoughts but how to discharge them .--

A. D. 1668.

marke.

them .-- I perceive the little Domine hath played the trumpeter to this diforder; I refer the quality of his punishment to your direction.

At a council held at New-York, October 18, 1669. PRESENT: The Governor, Thomas Delayal,

Ralph Whitfield, Thomas Willet, fecry-

This affair being taken into confideration, it was Connings- adjudged that Conningsmarke, commonly called the long Finne, deserv'd to die, yet in regard that many concern'd with him in the infurrection, might also be involv'd in the premunire, if the rigour of the law should be extended, and amongst them diverse simple and ignorant people, it was thought fit to order that the long Finne should be severely whipt, and stigmatized with the letter R, with inscription in great letters on his breaft, that he received that punishment for rebellion, and after to be secured till sent to Barbadoes or fome other remote plantation to be fold:' It was further ordered, that the chief of his accomplices should forfeit to the king, one half of their goods and chattels, and a fmaller mulct laid on the reft to be left at discretion of commissioners, appointed to examine the matter.

> In pursuance of this sentence, the long Finne was brought fettered from Delaware, and put prisoner in the stadt-house at York, the 20th December, and there continued a year, when a warrant was figned, and he, in pursuance of it, transported for sale to Barbadoes.

At this council also came under consideration, the case of an Indian, who had committed a rape on a An Indian christian woman; the council ordered that he should be put to death if he could be found, and that application rape. be made to the Sachems of his tribe, to deliver him up, that justice might be executed upon him. He had been once taken and condemned to death by the commissioners at Delaware, but broke goal.

One

A. D.

In the month called February 1669, Francis Love- Governor lace. being then governor, a commission and letters Lovelace. of instruction were fent to the Hoarkill, authorizing Hermanus Fredericksen, to be schout, Slander Matson, Otto Walgaft, and William Cleafon to be commiffaries, who were to keep good orders there, and to try all matters of difference under 101. amongst themselves; this feems to be intended to fave them the trouble of going to New-Castle upon every trifling occasion; but for all matters above 101. they were to apply themselves to New-York, and fo for all criminals,

Governor Lovelace gave also an order to captain Martin Prieger, to receive the customs for all European goods imported at the Hoarkill, and on the furrs and peltry exported from thence,---viz. 101. per cent.

Whereas I am given to understand, that all European goods imported at the Floarkill in Delaware bay, at the did heretofore pay custom at the rate of 10 l. per cent. and all furrs and peltry exported from thence at the fame rate, which turned to fome advantage towards the support of the government, upon mature advice and confideration had thereof, I have thought fit to renew the former custom, and do therefore hereby order and appoint captain Martin Preiger, who is a person well versed in the trade of those parts, and very well known there both to the christians and Indians, to be receiver and collector of the customs at the Hoarkill

Cuftoms Hoarkills.

m. He succeeded Nicolls in the government of New-York, in May 1667, and continued governor till the colony was given up to the Dutch in the summer, 1673. Nicolls had remained governor since the Dutch surrender till then, about two year sand a half.

Hoarkill, where by himself or his deputy he is to receive 10 per cent. of all European goods imported there, whether coming from this place, New-Castle in Delaware, or any other part; and ten per cent. also for all furrs or peltry exported from thence, according to former custom and usage on that behalf; and all persons whatsoever trading thither, or from thence to any other place, are to take notice thereof, and to obey this my commission, under the penalty of consistation of their goods if they shall presume to do otherwise, the said capt. Prieger standing obliged to be answerable here, for all such customs as shall be received by himself or deputy there, of which he is to render unto me a due and exact account,

Remarks.

It was very early to impose such an extraordinary clog upon trade as 10 per cent. and no doubt hard upon the young fettlers to pay it, and the reason given for doing it (namely that it had been done before) feems not fo well calculated to render the payment easy as might have been contrived; probably the chief cause was that hinted at in the governor's letter to Carre, to keep them under by taxes, that they might not have · liberty to entertain any other thoughts but how to 'discharge them.' The daily exigencies of the government in those precarious times afforded a better present plea, tho' of no force for continuing it afterwards; but after all, the government then more military than civil, probably but little thought of a necessity to bestow colouring upon their proceedings, however extraordinary, to a people whom they could at any time compel to their measures; hard where that is the case of necessity, but more hard and arbitrary when continued without that necessity. These precedents introduced a similarity of taxation, which in time proved intolerable grievances. But be their reasons to themselves .--- As the Hoarkills to the Swedes appeared a place of rather more confequence than it's thought finee, their account may be worth observation. . Two

Swedes

Two leagues (fays the manuscript in the Bri-'tish museum,) from cape Cornelius on the west fide of the river near its mouth, there is a certain descripcreek called the Hoeren Kill, which may well pass tion of the for a middling or small river, for it is navigable a Hoar kill. great way upward, and its road is a fine road for ships of all burthens, there being none like it for fafety and convenience in all the bay, the right channel for 'failing up the bay passing near it.

A certain person who for several years together had been a foldier in the fort, informed us about the month of June, 1662, being then but lately come from thence, concerning the Hoern kill or Harlot's 'creek; that along the fea shore it was not above two leagues from the cape, and that near the fort which is at the mouth of it, it is about 200 paces broad and 'navigable and very deep to about half a league 'upwards, the pilots fay generally about fix feet of water in going in, but the canoes can go about two 'leagues higher: There are two small islands in it, the first very small the last about half a league in circumference, both overgrown with fine grafs, especially the latter, and are at about half a league distance asun-'der, and the latter about a league from the channel's 'mouth: The two islands are surrounded with a muddy 'ground, in which there grows the best fort of oysters, which faid ground begins near the first island, for the mouth of the channel has a fandy bottom, being also very deep, and therefore there are no oysters there: 'Near the smaller island and higher up it is as broad 'again as at the mouth, near the faid fort the channel for a good way runs at an equal distance from the sea, having the breadth of about two hundred paces of high downy land lying between them, near the fort. there is a glorious fpring of fresh water, a small rill rising in the south east part of the country, and falling from a rising hill, runs through this downy land into the mouth of the Hoern kill, or Harlot's

A. D. € 66g. creek, is for its goodness and fertility famed for the very best of New-Netherland. ".

'The name of Hoernkill or Harlot's creek, had \* as we are informed, its rife from the liberality of the Indians, for lavishly proftituting, especially at that place, their maidens and daughters to our Netherlanders: Otherwise it is by David Pietersz de Uries, who about the year 1630 first endeavoured to settle there, called Swapendal,?

The above description however, in the general true at the time it was wrote, leaves room for a doubt, at least as to the origin of the name.4. The probability lies that it arose from the creeks winding much in the shape of a horn; whence the Dutch (and not the Swedes) first took occasion to call it the Hoernkill; this is the tradition of the inhabitants there. Soon after English possession, it got the name of Lewis-Towa, by which it is mostly called; It is fituate at the mouth in a creek of Delaware bay, and is the general refort for pilos, waiting to convoy vessels up the river; Where the creek is described deep and sandy, is now a mowing marsh: The channel also by the Hoarkill, then used for veffels to pass, is diminished to about a hundred vards breadth at the mouth: The two islands, one very small, and the other but half a league in circumference,

Alteration and channel.

> m. The whole country from New-York to Pennsylvania, being then fo called; 'tis observable, that this author through the whole, gives the South river greatly the preference.

e. C. Colden in his history of the five nations pa. 11. relates a custom of the same kind among them, but there does not appear fufficient foundation to suppose these Indians originally justly charge able with fuch a practice, at least of the tribes generally; and the relation of the Swedes is not in every inflance to be depended on; bad as the Indians now appear, and have many of them prov'd, the were formerly better; in a case doubtful 'tis perhaps best to err on the charitable fide.

p. The Delaware probably got it's name from the lord Delaware who failed in a ship of 250 tons, in April 1618, with 200 people for Virginia, but died at fea. Prince's N. E. Chronology. P. 54:

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are now the first supposed to be ten, and the last thirty times as large as there described; and this alteration in about a hundred years.

A. D.

## CHAP. IV.

King Charles the second, and duke of York's grants, whence lord Berkely and fir George Carteret, became seized of New-Jersey : The first constitution of government under them: The settlement of Bergen, Middletown, Shrewfury, and Elizabeth-Town. Philip Carteret appointed governor of Jersey: The Indian purchase of Elizabeth-Town, by the setlers; and the first general Indian purchase by the proprietors, &cc.

THE right of the crown of England to these provinces indisputably founded, as before deduced, King Charles the fecond, did by letters K. Charpatent, bearing date the Twentieth day of March, les ii. first 1664, for the confideration therein mentioned, grant grant. unto James, duke of York, his heirs and affigns, "all that part of the main land of New-England. beginning at a certain place, called or known by the name of Sr. Croix, near adjoining to New-Scotland, in America; and from thence extending along the fea coast, unto a certain place called Pemaquie or Pemaquid, and so up the river thereof, to the furthest head of the same, as it tendeth northward; and extending from thence to the river of Kimbequin, and fo upwards by the shortest course, to the river Canada northwards; and also all that island or islands, commonly called by the feveral name or names of Matowacks or Long-Island, situate and being towards the west of Cape-Cod, and the narrow Higansetts, a butting upon the land between the two rivers, there called or known by the feveral names of Connecticut and Hudson's river; together also with the faid river

A. D. 1669.

called Hudson's river; and all the land from the west fide of Connecticut river, to the east fide of Delaware bay; and also several other islands and lands in the ' faid letters patents mentioned; together with the rivers, harbours, mines, minerals, quarries, woods; marshes, waters, lakes, fishings, hawking, hunting and fowling, and all other royalties, profits, commodities and heriditaments to the faid feveral illands,

York's lease and relese.

lands and premisses, belonging or appertaining. The duke of York being thus feized, did by his Duke of deeds of lease and release, bearing date the 23d, and 24th days of June, 1664, in confideration of a 'com-' petent fum of money,' grant and convey unto John lord Berkely, baron of Stratton, one of the kings privy council; and fir George Carteret, of Saltrum, in the county of Devon, knight, and one of the privy council, 4. and their heirs and affigns forever; all that tract of land adjacent to New-England, and lying and being to the westward of Long-Island and Manhattas island; and bounded on the east part by the main fea, and part by Hudson's river; and bath upon the west, Delaware bay or river; and extendeth fouthward to the main occean as far as Cape-May, s at the mouth of Delaware bay; and to the northward as far as the northermost branch of the faid bay or river of Delaware; which is in 41 degrees and 40 minutes of latitude, and croffeth over thence in 2 ftraight line to Hudson's river, in 41 degrees of · latitude; which faid tract of land is hereafter to be called 'Nova-Cefaria or New-Jersey; and also all rivers, ' mines, minerals, woods, fishings, hawkings, huntings, and fowlings, and all other royalties, profits, commodities, and heriditaments, whatfoever to the faid

> q. Sir George Carteret was governor of Jersey, and held it for K. Charles ii. in the troubles of 1649, -expelled the house of commons, in 1669 for confused accounts, as chamberlain. Smoller.

> Treasurer of the navy, and vice chamberlain of the king's household. Clarendon.

lands and premister, belonging or in any wife appertaining, with their and every of their appurrenances in as full and ample manner as the fame is granted unto the faid duke of York, by the before recited letters patents? no short won diedexill to nwo I would al

1660.

The lord Berkely, and fir George Carteret, in Berkley confequence of this conveyance, now fole proprietors and Carteof New-Jerfey, for the better fettlement, thereof ret's first agreed upon certain constitutions of government; tions. which were for well relished, that the eastern parts of the province were foon confiderably peopled.

This was the first constitution of New-Jersey, and it continued entire, till the province became divided in 1676. Sir George Carteret, then the only proprietor of the eastern division, confirm'd and explained the concessions, with a few additions. The county of Bergen Bergen. was the first settled place, a great many dutch being already there, when the province was furrendered, remained under the English government Afew Danes were probably concerned in the original fettlement of this county, whence came Bergen after the capital of Norway. The manner of originally fettling is fingular, but small lots where their dwelling houses are, and hese contiguous in the town of Bergen: Their planations which they occupy for a livelihood, are at ome distance; the reason of fixing thus, is said to be through fear of the numerous Indians in the early imes of their fettlement, about forty or fifty years before the furrender for

r. Vide. Appendix, numb. i.

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f. The date of the Dutch fettlement, will be nearly afcertained by the following extract .-- As fome unknown country further fouthward, about Hudson's river was in their view (meaning the Plymouth colony) when they engaged in this adventurous voyage, Mr. Morton who published his memorial in 1620 tells us, he had then lately fure intelligence that the Durch intending to fettle a colony there of their own, privately hired the master of the ship to contrive delays in England, then to fleer them to these northern

" coafts

A. D. 1669.

Indian purchase of Eliza-

and Nicell's patent.

It was in 1664, that John Bailey, Daniel Denton, and Luke Wation, of Jamaica, on Long Island, purchased of certain Indian chiefs, inhabitants of Staten-Island a tract or tracts of land, on part of which the

beth Town Town of Elizabeth now stands; and for which for their petition) governor Richard Nicolls granted deed or patent to John Baker of New-York, John Ogden, of Northampton, John Bailey, and Luke

> Watfon, and their affociates; dated at fort James in New-York, the second of December !- This was before lord Berkely's and fit George Carterell title was known; and by this means, this part of

> the province had some few very early settlement whether Middletown and Shrewsbury had not Duch and English inhabitants before, we are not authorized

> to fay : About this time however, was a great reford industrious reputable farmers; the English inhabitant from the west end of Long-Island, almost generally

removed to fettle hither; and most of them find about Middletown, from whence by degrees, the

extended their fettlements to Freehold and theresbour To Shrewfbury there came many families from New England: There were very foon four towns in the

province, viz. Elizabeth, Newark, Middletown, and Shrewfbury; and these with the country round, were

in a few years plentifully inhabited, by the accession of the Scotch, of whom there came a great many

fuch fettlers as came from England, those of the Durch that remained, and those from the mighbouring

Lord

coafts, and there under pleas of shoals and winter to discount them from venturing farther. - Agreeable to this, while the English

" Chronol. p. 83, 84."

t. This is what is commonly called the Elizabeth-Town grant

Elizabeth. Newark, Middletown and Shrewfbury.

colonies.

Leydeners (i. e. the faid Plymouth company) were preparing at their voyage, as capt. Dormer returned from Virginia to New-England, he met certain Hollanders, failing for Hodfon's met where they had had a trade for feveral years. Prince's N.L.

Lord Berkely and fir George Carteret having agreed upon their concessions, appointed Philip Carteret P. Cartegovernor of New-Jersey, and gave him power with ret goverthe advice of the major part of the council, to grant nor. lands to all fuch as by the concessions were entitled thereto, and the' there is no provision in the concessions for bargaining with the Indians, Governor Carteret on his arrival thought it prudent to purchase their Purchases rights: This was to be done for fums inconfiderable, of the inin comparison with the damage a neglect might dians. have occasioned. For though the Indians about the English settlements, were not at this time considerable as to numbers, they were strong in their alliances, and besides of themselves could easily annoy the out plantations; and there having been before feveral confiderable

2. This in 1672 was supplied by particular instructions directing that the governor and council should purchase all lands from the Indians and be reimburfed by the fettlers, as they made their pur-

x. Richard Hartshorne, a considerable setler at Middletown, who came over in this year had like to have experienced some disadvantage from this neglect in the patentees of that town, 'The Indians lays he came to my house, and laid their hands and laid their hands. came to my house, and laid their hands on the post and frame of the house and said that house was theirs, they never had any thing for it, and told me if I would not buy the land, I must be gone. But I minded it not, thinking it was Davis's land, and the wanted to get fomething of me; they at last told me they would kill my cattle and burn my hay, if I would not buy the land nor be gone; then I went to the Patentees, which were James Grover, Richard Stout, John Bound, and Richard Gibbons; they told me it was never bought, nor had the Indians any thing for it. Nicolls defired to them and the Indians any thing for it. of them and the Indians also, only to have leave to set a trading house, and at that time they did not intend any one should have the land, but keep it for the use of the country, always giving leave for any man to trade with goods and not otherwise; but I told them I would not live on those terms, and not only so, but it was dam-gerous, for the Indians threatned to kill my cattle; they fold me no man had power to buy, but the patentees, and they would buy it; thus it continued fome months. I confidered the thing as well as I then was capable, and went to Gravefend and bought William Goulder out, and when I came back the Indians were at me and I did. James Grover, Richard Stout, Samuel Spicer were at Wake-cake, when I bought Wake cake and paid for it, I being then a Patentee as well as the reft."

Part of

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considerable skirmishes between the Dutch and them, in which some blood had been spilt, their friendship on this consideration it was thought stood but ticklish: Upon the whole, the governor so ordered it, that the comers were either to purchase of the Indians themselves, or if the lands were before purchased, they were to pay their proportions: The event answered his expectation, for as the Indians parted with the lands to their own fatisfaction, they became of a jealous. fly people, serviceable good neighbours, and though frequent reports of their coming to kill the white people, fometimes difturbed their repole, no instance occurs of their hurting them, " in those early settlements,

1660.

Tradition of the tacking the Indians.

In the Dutch skirmishes with the Indians, is is faid the English from Long-Island, together with such as were fettled among the Dutch, used to join the latter in frequent excursions up the rivers to annoy or figure among the Indians: There is a tradition, that in one of Dutch at- those expeditions up a Jersey river, one of the company of more curiofity or boldness than the rest, went at fome distance in the country to discover an Indian town, which at last he did, by coming upon it before he was well aware of his fituation; there were many feated quietly together; at the instant he saw them, they saw him, he was surprized, but quickly recollecting himfelf, took a paper out of his pocket, and with that boldly went up, telling them it was propofals from the government at York, and read at random fuch things as came into his head; by this stratagem he got of unmolested, and discovering at York what he had seen, told the government, if they would fend a party against them he would be their pilot: A party was accordingly fent, coming upon the Indians in the night, some of them found means to get in to windward of their little

<sup>7.</sup> That is the English here spoken of.

1666.

town, and fetting fire to it, burnt the whole down; their wigwams were built close together, and made of flags; bushes, and other light combustible matter, covered with the bark of trees, fo that the fire burnt with violence; the Indians notwithstanding their surprize, took to their bows and arrows, and used them with dexterity and courage, till being overpowered, several of them were destroyed.

That we may place traditional intelligence of this fort together, we will here venture at one more little occurrence of that kind; but with this remark, that we pretend to no greater certainty in either, than what arises from the probability of facts supported by established credit of persons relating them, and the known hostilities at times subsisting between the Dutch and Indians in their early fettlement.

While New-York was in poffession of the Dutch. about the time of the Indian war in New-England, a Dutch ship coming from Amsterdam, was stranded on Sandy Hook, 2. but the paffengers got on shore: among them was a young Dutchman who had been fick most of the voyage; he was taken so bad after stranger, landing, that he could not travel; and the other paffengers being afraid of the Indians, would not flay all among the he recovered, but made what hafte they could to New-Amsterdam; his wife however would not leave him. the rest promised to send as soon as they arrived: They had not been long gone, before a company of Indians coming down to the water fide, discovered them on the beach, and haftening to the fpot, foon killed the man, and cut and mangled the woman in fuch a manner that they left her for dead. She had strength enough to crawl up to some old logs not far distant, and getting into

bly faved

z. Other accounts fay in Delaware, nigh Christeen, but this is moit likely to be true,

into a hollow one, lived mostly in it for several days, fubfifting in part by eating the excrescences that grew from it; the Indians had left fome fire on the shore. which she kept together for warmth: having remained in this manner for fome time, an old Indian and a young one coming down to the beach found her; they were foon in high words, which she afterwards understood was a dispute; the former being for keeping her alive, the other for dispatching: After they had debated the point a while, the first hastily took her up, and toffing her upon his shoulder, carried her to a place near where Middletown now flands, where he dreffed her wounds and foon cured her: After some time the Dutch at New-Amsterdam hearing of a white woman among the Indians, concluded who it must be, and some of them came to her relief; the old man her preserver, gave her the choice either to go or stay; she chose the first: A while after marrying to one Stout, they lived together at Middletown among other Dutch inhabitants; the old Indian who faved her life, used frequently to visit her; at one of his visits she observed him to be more pensive than common, and fitting down he gave three heavy fighs; after the last she thought herself at liberty to ask him what was the matter? He told her he had something to tell her in friendship, tho' at the risk of his own life, which was, that the Indians were that night to kill all the whites, and advised her to go off for New-Amsterdam; fhe asked him how she could get off? he told her he had provided a canoe at a place which he named: Being gone from her, the fent for her hufband out of the field, and discovered the matter to him, who not believing it, she told him the old man never deceived ber, and that she with her children would go; accordingly going to the place appointed, they found the canoe and paddled off. When they were gone, the husband began to consider the thing, and fending for five

five or fix of his neighbours, they set upon their guard: About midnight they heard the dismal war-hoop; presently came up a company of Indians; they first expositulated, and then told them, if they persisted in their bloody design, they would sell their lives very dear: Their arguments prevailed, the Indians desisted, and entered into a league of peace, which was kept without violation. From this woman, thus remarkably saved, with her scars visible, through a long life, is descended a numerous posterity of the name of Stout, now inhabiting New-Jersey: At that time there were supposed to be about sifty families of white people, and five hundred Indians inhabiting those parts.

Governor Carteret did not arrive to his government of New-Jersey, till the latter end of the summer, 1665; till which time the province was under Nicolls's jurisdiction: On the arrival of the former, he summoned a council, granted lands, and administred the government on the plan of the general concessions, and took up his residence at Elizabeth-Town, to which it is faid he gave the name, after Elizabeth, wife of fir George Carteret: With him came about thirty people; fome of them fervants: They brought goods proper for the planting a new country; and the governor foon afterwards fent persons into New-England, and other places, to publish the proprietors concessions, and to invite people to settle there; upon which many foon came from thence: fome fettled at Elizabeth-Town, others at Woodbridge, Piscattaway and Newark: The ship that brought the governor, having remained about fix months, returned to England, and the year after made another voyage. Sundry other vessels were from time to time fent by the proprietors with people and goods, to encourage the planting and peopling their lands. Thus the province of East-New-Jersey increased in fettlement .

fettlement, and continued to grow till the Dutch invafion in 1673, when they having got possession of the country, some stop was put to the English government; but the treaty afterwards between king Charles the second, and the States general at London 1673-4, put all general difficulties of that kind out of dispute; the sixth article whereof is in these words, 'That whatever' country, island, town, haven, castle or fortress, hath been, or shall be taken by either party from the other since the beginning of the late unhappy war, whether in Europe or elsewhere, and before the expiration of the times above limited for hostility, shall be restored to the former owner in the same condition it shall be

Tho' the inhabitants were at variance among them-

in at the time of publishing this peace."

felves, there was also pretty constantly a resort of settlers between the years 1665 and 1673, and they increased fast afterwards. But the Elizabeth-Town purchasers and others, fetting up a right, differing in fome respects from that of the proprietors, and other incidents falling out, which, though some of them inconsiderable, and others one would think might then eafily have been fettled, yet nourished by a more vindictive spirit on all fides than was immediately necessary, they occafioned much difturbance.4. Carteret going for England in the summer, 1672, left capt. John Berry his deputy. He returned in 1674, and found the inhabitants more disposed to union among themselves, and bringing with him the king's proclamation, and a fresh commission and instructions from fir George Carteret, he summoned the people, and had them all published, which for a while had a good effect towards restoring proprietary authority

a. It is not our business to enter particularly into these disturbances; they went in several instances to disreputable lengths.—Governor Andros of York, in 1680, undertook to dispute governor Cartest of Jersey's commission, and sending to Elizabeth-Town an armed force, seized and carried him prisoner to New-York.

authority, and the publick peace: He remained governor till his death in 1682. In his time the general affemblies and supreme courts fat at Elizabeth-Town. and the councils generally : Here the fecretary's office, and most other publick offices were held; here also most of the officers of the government then resided.

1671.

In September 1671, an extraordinary council was held at New-York; present, Governor Lovelace, the mayor and fecretary of New-York, major Steenwick, governor Philip Carteret, and captain James Carteret of New-Jersey: The occasion was this, William Tomm and Peter Alricks, had just arrived from Delaware, with the particulars of the Indian murders mentioned larsof two before, that two christians (Dutch men) had, as there by the Inrelated, been murdered by fome Indians at the island dians. Matinicunk, b. on Delaware: Alricks being present at the council, informed them, the nation of whom these murderers were, consisted of about fifty or sixty persons, and that the mischiefs committed on Delaware this feven years, were faid to be done by them: That the Indians their confederates (as it was supposed they would be if a war should follow) were about a thoufand persons, besides women and children? That two of the faggamores of the nation of the murderers, promised their best affistance, to bring them in, or procure them to be knocked in the head, if countenanced

Particu-

b. The upper island fituate partly between Burlington and Bristol, afterwards taken up by a proprietary right, by Robert Stacy, and by him given to Burlington; and in 1682, confirm'd by a proprie-tary law, for the use of a free school forever. It is detached from the main by a little channel occasion'd by the waters of Essicunk creek. When Gookin, a former governor of Pennsylvania, was about obtaining a grant of the islands in Delaware, it is faid the lords of trade excepted this in their report to the king and council, as having been already occupied; and not on a footing with the other islands; it is inconfiderable as to value compared with many of the others, yet long possession and some improvements, have rendered it pleful to Burlington.

A. D. 1671.

nanced by the government; and that many other Indians he met upon the road, much difallow'd of the murder, and were very forry for it, and offered their affiftance against them. Alricks further related. that it was proposed by the fachems, as the best scheme to fet upon this nation, to cause a kintecoy to be held; and that in the midst of their mirth, one should be hired to knock them in the head; adding, as his own opinion, that the best time to fall upon them was about the 25th October; because after that their usual manner was to go a hunting, and then they could not be easily found: But now the immediate danger was of their destroying the corn and cattle of the christians, and that the murders were owing to Talbiowycan, who having a fifter dying, expressed great grief for it, and faid the Mannetta bath killed my fifter, and I will go kill the christians; and taking another with him, they together executed the barbarous facts.

This information confidered, the council concluded, that Thomas Lewis, then bound with his floop for New-Caftle, should be stayed from his voyage, for three or four days, when Alricks and Henry Courturier, would be ready to go with him; that in the mean time, general instructions should be drawn to take along with them: That the Governor of New-Iersey, and capt. James Carteret, (then present) should expeditiously order a general assembly to be called in that government, (according to their custom upon all emergent occasions) to know the people's strength and readiness; and how far they were willing to contribute towards the profecution of a war against the Indians. That a frequent correspondence be kept between the two governments, and that nothing be done in this Indian war, without mutual advice and confent of both the governors; unless upon extraordinary opportunity, where advantage against the enemy might fuddenly be taken, before notice could be given. Thefe

These resolutions taken, the next step was to tran. A.D. smit instructions to William Tomm, (he was either one of the commissaries appointed by Carre, and the authority at New-Castle, or a kind of deputy under them, up Delaware) that he might forecast how a war might be profecuted to the best advantage; and it requiring time to get things in order, all the frontier fcattering plantations, were immediately to thresh out or remove their corn, and dispose their cattle, so as to receive the less damage by the effects of the war: Next he was to order, that none on pain of death, should presume to sell any powder, shot, or strong waters to the Indians; and that in the mean time, the inhabitants were to carry (if fuch a thing was practicable) a feeming complacency with the nation of whom were the murderers, either by treaty or traffick, to prevent suspicion of the designs on foot; but withall it was directed, that if they would either deliver up the murderers, or their heads; the English were at liberty to affure them of no difturbance. Lovelace also wrote to Carre upon this occasion, to be vigilant in making preparations for the war; and as directions could not be punctual, the whole was left to his prudent management, with advice of his commissaries." The next council held upon this occasion, was in November, at Elizabeth-Town; prefent, the governors Lovelace and Carteret, and divers others. Here the feafon was thought too far advanced, to begin the war; but the magistrates were authorized to treat with the neighbouring Sasquehana Indians, or others, to join together against the murderers, and such as harboured them; and to promife a reward as they should think fit; provided caution was used so as to create no fudden jealoufy: But this proved unneceffary; the Indians uneasy about the murder, were not averse to a full revenge, as the event proved. In December, a parcel of them meeting at Rambo's,

fent

thot.

A. D. 1672.

fent for Tomm and others, and promifed within fix days to bring in the murderers, dead or alive: Accordingly two Indians fent by the fachems, to take them, coming to Tashowycan's wig-wam in the night; one of them his particular friend; him he asked if he intended to kill him; he answered no, but the sachems have ordered you to die : He demanded what his brothers faid; being told they also said he must die, he then holding his hands before his eyes, faid kill me: Upon An Indian this the other Indian, not his intimate, shot him in the breast: They took his body to Wickaco, and afterwards hung it in chains at New-Castle: The English gave the fachems for this, five matchcoats. The other murderer hearing the shot, ran naked into the woods, and what came of him after, appears not. The Indians upon this death, summoned many of their young men, and before the English, told them, that now they saw a beginning of punishment, and all that did the like should be so served. Thus ended an affair, which while these Indians were a formidable body, looked discouraging,

New-Amstell incorporated.

The town of New-Castle, in the spring, 1672, was by the government at York, made a corporation, to be governed by a bailiff and fix affiftants; after the first year the four old to go out, and four others to be chosen: The bailiff was president, with a double vote; the constable chosen by the bench; they had power to try causes as far as ten pounds, without appeal: The English laws were established in the town, and among the inhabitants on both fides Delaware: The office of Schout was converted into a sheriff, for the corporation and river, annually chosen; and they were to have free trade without being obliged to make entry at New-York, as heretofore had been the practice.

Difturbance at the Hoarkill.

About this time happened a confiderable diffurbance at the Hoarkills: A party from Maryland, headed by

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1672.

one Jones, made an incursion, and binding the magistrates, and other inhabitants, carried off what plunder they could; being joined by Daniel Brown, a planter at the Hoarkills; he was fent to New-York, took his tryal and was convicted; but on promises of amendment, and a small security for future good behaviour dismissed. With respect to the Marylanders, Lovelace's letter to that governor, shows him to have had fome spirit, tho' his character in general was rather that of an upright, but timid governor and good natured man : It is dated the 12th of August, 1672.

To Philip Calvert, Esq; governor of Maryland. SIR,

I thought it had been impossible now in these portending boisterous times, wherein all true hearted Governor. Englishmen, are buckling on their armour to vindi-Lovelace's cate their honours, and to affert the imperial interest letter of his facred majefty's rights and dominions; that to the now without any just grounds, either given or pre- governor tended, such horrid outrages should be committed land. on his majesty's liege subjects, under the protection of his royal highness's authority, as was exercised by one Jones, who with a party as diffolute as himself, 'took the pains to ride to the Hoarkills, where 'in derifion and contempt of the duke's authority, bound the magistrates and inhabitants, despitefully treated them, rifled and plundered them of their 'goods; and when it was demanded by what authority 'he acted, answered in no other language but a cock'd 'pistol to his breast; which if it had spoke had for-'ever filenced him. I do not remember I have heard of a greater outrage and riot committed on his 'majesty's subjects in America, but once before in 'Maryland: You cannot but imagine his royal high-'ness will not be satisfied with these violent proceedings, in which the indignity rebounds on him: neither can you but believe it is as easy an undertaking, for me to retaliate the same affront on Jones's head.

A. D. 1672. head, and accomplices, as he did on those indefencible inhabitants: But I rather chuse to have first a more calm redress from you; to whom I now appeal, and from whom may in justice expect that right in the castigation of Jones cum socies, that your nature and the law has provided for; otherwise I must apply myself to such other remedies as the exigence of this indignity shall persuade me to: Thus leaving it to your consideration, I shall remain your very humble servant,

FR. LOVELACE.

Governor Lovelace also wrote to capt. Carre upon this occasion.

SIR,

Governor Lovelace to Carre.

The letters you fent by the express over land came fafe to my hands, with the inclosed relation and ' papers concerning the Hoarkill, and the Marylanders ' forcibly possessing themselves of the place, as also of the goods and estates of some of the inhabitants, of which we had some rumours before, but 'did not give much credit to it; supposing what was done before, to be the rash action of some private person; not thinking the authority of Maryland would invade his royal highness's territories, which he hath been possess'd of for near eight years, without giving the least overture of it to me, who am his royal highness's deputy: Their former violent action and force, upon those poor unarm'd people, together with the particulars of their plunders, I had immediate opportunity of transmitting to his royal highness by a ' ship then bound away for London, the which I made use of, and recommended their case; and I hope it hath long e'er this arrived to his hands; fo that fome directions about it may be expected in a short time; ' till when I think it best for the present to leave matters there as they are; but as to the cloud which likewife hangs over your heads at Delaware, which it is faid they are making preparations to invade; my instruc-' tions and orders to you, and the officers in general, are, that you put yourselves in the best posture of defence

A. D. 1672.

defence possibly you can, by fitting up the fort in the town, keeping your companies in arms, both there and up the river; who are to provide themselves with fitting ammunition; and that all foldiers beat an hour's warning upon any alarm or order given; and that at the town especially, you make your guards as strong as you can, and keep a strict watch; and if any enemy comes to demand the place, that you first desire to know their authority and commission, and how it comes to pass those of Maryland should now make fuch an invafion, after fo long quiet possession of those parts by his royal highness's deputies, under his majeity's obedience, and by other nations before that, several years before the date of the lord Baltimore's patent, whom they never disturbed by arms, and whose right is now devolved upon the duke. well upon your guard, and do not begin with them, but if they first break the peace by firing upon your guards, or any fuch hostile action, then use all possible means to defend yourselves and the place, and command all his majesty's good subjects to be aiding and affifting to you; who I hope will not be wanting to their abilities: In all matters of concern, you are to take advice of the chief officers there.

Alricks, who is hastening over land, to secure his affairs there, in this portending invasion, and to give his best help for the safeguard of the place, and his royal highness's interest upon all occasions: Fail not to send an express to me, by whom I shall give you such further directions and assistance as will be requisite; and it occasion should be, will come over myself in person; though the spring would be more suitable for me than a winter voyage; so recommending all things to your care and vigilance, of which I expect a good account: I conclude, being your very loving friend,

Fort James, in New-York, Francis Lovelace.' this 7th October, 1672.

The

A. D. 1672.

New-Castle, &c. plundered by privateers.

The inhabitants at New-Castle and the Hoarkille also suffered considerable losses, by Dutch privateen plundering their effects. For reparation, they were permitted by the government to lay an impolition, and power given to the magistrates, to levy and receive upon each anchor of ftrong liquors fpent or difpofed of among them, the value of four guilders in wampum, but this to continue for one year only, as a tryal of in utility. Wampum was the chief currency of the country:

Wampum Great quantities had been formerly brought in, but the Indians had carried fo much away, it was now grown scarce; and this was thought to be owing to its low value. To increase it, the governor and council at You iffued a proclamation in 1673, that instead of eight white and four black, fix white and three black wampums should pass in equal value as a stiver or penny; and three times fo much the value in filver. This proclamation was published at Albany, Europus, Dela-

\$673.

Mention was made that fir George Carteret by his instructions to governor Carteret, confirmed the original concessions with additions and explanations: These bort date the 13th of July 1674: Among other things they direct, that the governor and council should alloweight acres per head, to fettlers above ten miles from the fa, the Delaware, or other river, navigable with boats;

ware, Long-Island, and parts adjacent.

1674

SirGeorge Carteret's inftructions.

> e. Eight white wampum or four black, passed at this time us fliver, twenty slivers made what they called a guilder, which we about fix pence present currency. The white wampum was works out of the infide of the great conques into the form of a head, and perforated to ftring on leather. The black or purple was worked out of the infide of the muffell or clam-shell, they were sometimes wove as broad as ones hand, and about two feet long; thefe the Indians call belts, and commonly give and receive at treaties, feals of their friendship : For leffer matters a fingle ftring is gives Every bead is of a known value, and a belt of a less number is made to equal one of a greater, by fo many as is wanting fastened to belt by a ftring.

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nd to those that settled nearer, fixty acres: That the land hould be purchased from the Indians, as occasion equired, by the governor and council, in the name of he proprietors, who were to be repaid by the fettlers with charges: d. That all strays of beafts at land, and recks at fea, should belong to the proprietor; and that ill persons discovering any such thing, should have atisfaction for their pains and care, as the governor and ouncil might think fit.

## A. D. 1674

## CHAP. V.

Major Andros appointed governor at New-York: Takes possession at Delaware: Arrival of the first English fettlers to West-Jersey, under the duke of York's title: Lord Berkely assigns bis moiety of New-Jersey to Byllinge, and be in trust to others: Their letter and first commission: New-Jersey divided into the provinces, East and West-Fersey; and the declaration of the West-Jersey proprietors.

1674

ABOUT the month of October 1674, major Edmund Androse arrived governor, under the duke of York; he foon after authorized captain Cantwell and William Tomm, to take possession of the fort and flores at New-Castle, for the king's use, pursuant to the late treaty of peace, and to take fuch other measures for their settlement and repose at New-Castle, the Hoarkills, and other parts of Delaware, as they thought best; requiring them to comport themselves towards

Major Andros.

d. A paragraph of this fort, is also inserted in one of the letters of instruction from lord Berkely and fir George Carteret, in conjunction, in 1672.

e. He was afterwards knighted; he bore the unfavourable character of an arbitrary governor, who made the will of his despotic master (James ii.) and not the law, the chief rule of his conduct.

A. D. 1674. Proclamation. This done, he published a proclamation in the word following:

Whereas it hath pleafed his majefty and his roy highness, to fend me with authority, to receive the place and government from the Dutch, and to continue in the command thereof under his royal high ness, who hath not only taken care for our future fafety and defence, but also given me his command for fecuring the rights and properties of the inhabitants, and that I should endeavour by all fitting means, the good and wellfare of this province, and dependencies under his government; that I may not be wanting in any thing that may conduce thereund, and for the faving of the trouble and charge hither for the fatisfying themselves in such doubts as might arise concerning their rights and properties upon the change of government, and wholly to fettle the mind of all in general, I have thought fit to publish and declare, that all former grants, privileges or conce fions heretofore granted, and all estates legally posses ' fed by any under his royal highness, before the lat Dutch government, (as also all legal judicial proceedings during that government, to my arrival in the parts) are hereby confirm'd, and the possessor by virtue thereof, to remain in quiet possession of ther rights: It is hereby further declared, that the known book of laws formerly established and in force under his royal highness's government, is now again confirmed by his royal highness; the which are to be observed and practised, together with the manner and time of holding courts therein mentioned as heretofore; and all magistrates and civil officers belonging thereunto, to be chosen and established accordingly Given under my hand in New-York, this 9th day of November, in the twenty-fixth year of his majelly! reign, annoque domini 1674.

Andros being now seated in his government, we shall leave him, and take a view of other matters:

First

First respecting the arrival of a few passengers from England to West-Jersey: One moiety or half part of the province of New-Jersey, belonged to the lord Ber- First arrikeley, and now about was fold to John Fenwick, in val to West trust for Edward Byllinge and his affigns. Fenwick Jersey. in 1675, fet fail to visit the new purchase in a ship from London, called the Griffith; arriving after a good paffage, he landed at a pleafant rich spot, fituate near Delaware, by him called SALEM, probably from the peaceable aspect it then bore. He brought with him two daughters, and many fervants, two of which, Samuel Hedge and John Adams, afterwards married his daughters; other paffengers were, Edward Champness, Edward Wade, Samuel Wade, John Smith and wife, Samuel Nichols, Richard Guy, Richard Noble, Richard Hancock, John Pledger, Hipolite Lufever, and John Matlock; these, and others with them, were masters of families. This was the first English ship that came to West-Jersey, and none followed for near two years, owing probably to a difference between Fenwick and Byllinge.

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But this difference being fettled to the fatisfaction of both parties, by the good offices of William Penn, Byllinge agreed to present his interest in the province of New-Jersey, to his creditors, as all that he had left, towards their fatisfaction, and defir'd Penn to join Gawen Lawrie and Nicholas Lucas (two of his creditors) and they together to be truftees: Penn at first unwilling, was by the importunity of some of the creditors, prevailed on; and with the others accepting the charge, they became trustees for one moiety or half part of the province; which tho' yet undivided, necessity pressing, they foon fold a confiderable number of shares of their propriety to different purchasers, who thereupon became proprietors (according to their different shares) in common with them; and it being necessary that some

fcheme

A. D. 1675.

Western

scheme should be fallen upon, as well for the better distribution of rights to land, as to promote the settle ment, and ascertain a form of government; concessions were drawn, mutually agreed on, and signs by some of the subscribers, (for they did not all signs at once.) It was next the business of the proprietor, who held immediately under lord Berkeley, to procur a division of the province, which after some time we effected; and then as an expedient for the present well ordering matters, they wrote the following letter as

1676.

Richard Hartshorne.

London, 26th of the 6th month, 167

We have made use of thy name in a committee and instructions, which we have sent by James Was who is gone in Samuel Groome's ship for Maryla a copy of which is here inclosed, and also a copy of letter we have sent to John Fenwick, to be read him in presence of as many of the people that with him as may be; and because we both experience and also entreat, and desire thy affistance in the same we will a little shew things to thee, that thou me inform not only thyself, but friends there; which short is as follows.

'1st. We have divided with George Carteret, have sealed deeds of partition, each to the other; we have all that side on Delaware river from one to the other; the line of partition is from the east of little Egg Harbour, straight North, through country, to the utmost branch of Delaware river; all powers, privileges, and immunities whatse ours is called New West-Jersey, his is called East-Jersey.

'2d. We have made concessions by ourselves, be such as friends here and there (we question not) approve of, having sent a copy of them by Justile; there we lay a foundation for after again understand their liberty as men and christians, that

A. D.

may not be brought in bondage, but by their own confent; for we put the power in the people, that is to fay, they to meet and choose one honest man for each propriety, who hath fubscribed to the conceffions; all these men to meet as an assembly there, to make and repeal laws, tochoofe a governor, or a commissioner, and twelve affiftants, to execute the laws during their pleasure; fo every man is capable to choose or be chosen : No man to be arrested, condemned, imprisoned, or molested in his estate of liberty, but by twelve men of the neighbourhood : No man to die in prison for debt, but that his estate fatisfy as far as it will go, and be fet at liberty to work: No person to be called in question or molested for his conscience, or for worthipping according to his conscience; with many more things mentioned in the faid concessions, and a roll and said a seeing an

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- 3. We have fent over by James Waffe, a commillion under our hands and feals, wherein we impower thyself, James Waffe and Richard Guy, or any two of you, to act and do according to the structions, of which here is a copy; having also time some goods, to buy and purchase some land of the natives.
- 4. We intend in the spring to send over some more commissioners, with the friends and people that cometh there, because James Wasse is to return in Samuel Groom's ship for England: for Richard Guy, we judge him to be an honest man, yet we are assaid that John Fenwick will burt him, and get him to condescend to things that may not be for the good of the whole; so we hope thou will ballance him to what is just and fair; that John Fenwick betray him not, that things may go on easy without hurt or jar; which is the desire of all friends; and we hope Wess Jersey will be soon planted; it being in the minds of many friends to prepare for their going against the spring.

5. Having

A. D. 1676.

5. Having thus far given thee a fketch of things. we come now to defire thy affiftance, and the affiftance of other friends in your parts; and we hope it will be at length an advantage to you there, both upon s truth's account, and other ways; and in regard many families more may come over in the spring to Delaware ' fide, to fettle and plant, and will be affigned by us to take possession of their particular lots; we do intreat and defire, that thou, knowing the country, and how to deal with the natives; we fay, that thee, and fome other friends, would go over to Delaware fide, as foon as this comes to your hands, or as foon as you can conveniently; and James Waffe is to come to a place called New-Caftle, on the other fide of Delaware river, to flay for thee, and any that will go him; and you all to advise together, and find out a fit place to take up for a town, and agree with the natives for a tract of land; and then let it be surveyed and divided in one hundred parts; for that is the method we have agreed to take, and we cannot alter it; and if you let men to work to clear fome of the ground, we would be at the charges; and we do intend to fatisfy thee for any charge thou art at, and for thy pains: This we would not have neglected; for we know, and you that are there know, that if the land be not taken up before the fpring, that many people come over there, the natives will infilt on hi demands, and so we shall suffer by buying at dear rates, and our friends that cometh over, be at gre trouble and charges until a place be boug divided; for we do not like the tract of land John Fenwick hath bought, fo as to make it our first fettlement; but we would have thee and friends there, to provide and take up a place on some creek or river, that may lie nearer you, and fuch a place as you may like; for may be it may come in your minds to come over to our fide, when you fee the hand of the Lord with us; and so we can say no more, but leave the thing with you, believing that friends there will have a regard to friends fettling, that it may be done in that way and method, that may be for the good of the whole; rest thy friends,

GAREN LAURIE WILLIAM PENN. NICHOLAS LUCAS, E. BYLLINGE, JOHN EDRIDGE, EDMOND WARNER.

London, the 18th of 6th month called August, 1676.

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organisming and

We whose names are hereunder subscribed, do Propries give full power, commission and authority, unto tors in-James Wasse, Richard Hartshorne and Richard Guy, structions or any two of them, to act and do for us according to James Wasse and to the following inftructions; and we do engage to Richard ratify and confirm whatfoever they shall do in profe- Hartfcution of the fame.

horne, &c.

- 1. We defire you to get a meeting with John Fenwick, and the people that went with him, (but we would not have you tell your bufiness,) until you get them together; then shew and read the deed of parti-'tion with George Carteret; also the transactions between William Penn, Nicholas Lucas, Gawen Lawrio, ' John Edridge and Edmond Warner, and then read our letter to John Fenwick and the reft, and shew ' John Fenwick he hath no power to fell any land there, without the confent of John Edridge and Edmond
- '2. Know of John Fenwick, if he will be willing peaceably to let the land he hath taken up of the natives be divided into one hundred parts, according to our and his agreement in England, casting lots for the fame, we being willing that those who being fettled and have cultivated ground now with him, shall enjoy the same, without being turned out, although they fall into our lots: Always provided, that we be reimburfed the like value and quantity in goodness out of John Fenwick's lots: And we are also content to pay our ninetieth parts of what is paid to the natives for the same, and for what James Wasse hath pur-'chased

A. D. 1676. chafed of John Ferwick, and he fetting out the fame unto him, not being in a place to be allotted for a frown upon a river, but at a distance, and the said ' John Fenwick allowing us the like value in goodness in fome other of his lots; we are willing he shall poffess the same from any claiming by or under us; and for the town lots we are willing he enjoy the fame

as freely as any purchaser buying of us.

' 3. Take informations from some that knows the foundings of the river and creeks, and that is acquainted in the country, and when James Waffe is in Maryland, he may enquire for one Agustin, who as we hear did found most part of Delaware river and the creeks: He is an able surveyor; fee to agree with him to go with you up the river as far as over against New-Caftle, or further if you can, so far as a vessel of a hundred tun can go; for we intend to have a way cut cross the country to Sandy-Hook; fo the further " up the way, the shorter: and there, upon some creek or bay, in fome healthy ground, find out a place fitto make a fettlement for a town; and then go to the Indians, and agree with them for a tract of land about the faid place, of twenty or thirty miles long, more or s lefs, as you fee meet, and as broad as you fee meet. If it be to the middle, we care not; only enquire if George Carteret, have not purchased some there already, that so you may not buy it over again. 4. Then lay out four or five thousand acres for 2

town; and if Agustin will undertake to do it reasonably, let him do it; for he is the fittest man; and if he \* think he cannot furvey fo much, being in the winter \* time, then let him lay out the less for a town at present, if it be but two thousand acres, and let him divide it in a hundred parts; and when it is done, let John Fenwick, if he please, be there; however, let him have

notice: But however, let some of you be there, to see \* the lots cast fairly by one person that is not concerned.

The lots are from number one to a hundred, and put

\* the same numbers of the lots on the partition trees for diffinction.

. 5. If

be willing to join with you in those things as above, which is just and fair, then he or any of them, may go along with you in your business; and let them pay their proportion of what is paid to the natives, with other charges: And so he and they may dispose of their lots with consent of John Edridge and Edmund Warner; which lots are, 20, 21, 26, 27, 36, 47, 50, 57, 63, 72.

'6. If John Fenwick and his people, refuse to let the land they have taken up of the natives be divided, and refuse to join with you; you may let the country know in what capacity John Fenwick stands, that he hath no power over the persons or estates of any man

or woman more than any other person.

'7. What land you take of the natives, let it be taken, viz. ninety parts for the use of William Penn, Gawen Lawrie and Nicholas Lucas, and ten parts

for John Edridge and Edmond Warner.

8. After you have taken the land as above, and divided for a town or fettlement, and cast lots for the ' fame as above; then if any have a mind to buy one or more proprieties, sell them at two hundred pound ' fpecie; they taking their lots as theirs do; paying to 'you in hand the value of fifty pounds in part of 'a propriety, and the rest on sealing their conveyance in London; and so they may presently settle. When any of the lots fall to us, that is to fay, he that buyeth a propriety may fettle on any one lot of ninety ' parts; which faid persons that buys, and what lots falls to them, there they may fettle, and acquaint us what 'numbers they are; and if any will take land to ' them and their heirs forever, for every acre taken up 'in a place laid out for a town, according to the conceffions, they are not to have above what shall fall by 'lot to a propriety in a town.

'9. What charges James Wasse is at, by taking up the land of the natives, we do oblige to pay the same unto him again, with what profits is usual there upon English goods; and he may pitch upon two lots,

A. D. one in each town; if they be taken up before he 1676. comes away, to his own proper use, for his trouble and pains: And we do also engage to allow and pay what charges any of our commissioners shall disburie in executing these our instructions, to them or their affigns.

> 10. Let us be advised by the first ship that cometh for England, of all proceedings hereupon, and write to the friends at Sandy-Hook, letting them know how things are, and that we have divided with George Carteret, and that our division is all along on Delaware river; and that we have made concessions by our

> felves, which we hope will fatisfy friends there. If Iohn Fenwick, or any of the people with him, defire a copy of the deed of partition, let them have it.

> 11. We defire that our original deed may be kept in your own custody, that it may be ready to shew unto the rest of the commissioners, which we intend to fend over in the fpring, with full power for fettling things, and to lay out land, and dispose upon it, and for the fettling some method of government according to the concessions.

> 12. If you cannot get Augustin to go with you, or that he be unreasonable in his demands; then send a man to Thomas Bushroods, at Effex lodge, in York river, for William Elliot, who writes to Gawin Lawrie this year, and offered himself to be surveyor, and tell him you had orders from faid Lawrie to fend for him, and take him with you. He will be willing to be there all winter, and will furvey and do other things. He had a good character in Virginia, but was not able to keep it; he is a fair conditioned fober man: Let him ftay there all winter, and order him fomething to live upon.

> 13. If the faid Elliot go with you, give him directions what to do. If you cannot flay till a place for a town be furveyed, yet we think you may flay until you have not only pitched upon a place for a town, but also upon a place for a second town and settlement, and have marked out the place round about there, and

A. D. 1676.

he may do before the spring, that we send over more commissioners and people; and if John Fenwick be willing to go on jointly with you there, his surveyor may go along and help ours, and the charges shall be brought in for both proportionably on all. Mind this, and speak to Richard Guy, or Richard Hartshorne, and leave orders with them to let William Elliot have provisions for himself till spring, and we shall order them satisfaction for the same; and if there be no house near the place you take up for the surveyors to lodge in, then let there be a cottage built for them on the place, and we will allow the charges.

'14. And whereas there is tackling there already, for fitting of a floop, as we judge, in the custody of Richard Guy: We also give you power if you see meet, and that it be of necessary use and advantage for the whole concern, you may order these ship-carpenters to build a floop suitable for these materials, and appoint them some provision for their food, and for the rest of their wages they shall either have it in a part of the sloop, or be otherwise satisfied in the spring of the year; the said sloop to be ordered and disposed upon by you until more commissioners come over with further instructions.

'15. For the goods we have fent over with James 'Wasse are to disposed upon for purchasing land from the natives or otherwise as need is, giving us account thereof.

NICHOLAS LUCAS, WILLIAM PENN, Edmond Warner. Gawin Lawrie, E. Byllinge,

The instrument for dividing the province being agreed on by fir George Carteret on the one part, and the said E. Byllinge, William Penn, Gawen Lawrie, and Nicholas Lucas on the other, they together signed a Quintipartite deed, dated the first day of July, 1676. J.

J. Spicer. p. 61, &c.

A. D. 1676. The line of division being thus far settled, each took their own measures for further peopling and improving their different shares. Sir George Carteret had greatly the advantage respecting improvements, his part being (as we have seen) already considerably peopled: The western proprietors, soon published a description of their moiety; on which many removed thither: But less any should not sufficiently weigh the importance of this undertaking, and for other reasons, the three principal proprietors published the following cautionary epistle.

Dear friends and brethren,

Epifle.

'In the pure love and precious fellowship of our Lord Jesus Christ, we very dearly salute you: Forasmuch as there was a paper printed feveral months fince, entitled, The description of New-West-Jersey, in the which our names were mentioned as trustees for one undivided moiety of the faid province: And because it is alledged that some, partly on this account, and others apprehending, that the paper by the manner of its expression came from the body of friends, as a religious fociety of people, and not from particulars, have through these mistakes, weakly concluded that the faid description in matter and form might be writ, printed and recommended on purpose to promp and allure people, to dif-fettle and transplant themfelves, as it's also by some alledged: And because that we are informed, that several have on that account, taken encouragement and resolution to transplant themselves and families to the said province; and left any of them (as is feared by fome) should go out of a curious and unfettled mind, and others to shun the testimony of the blessed cross of Jesus, of which feveral weighty friends have a godly jealouly upon their spirits; left an unwarrantable forwardness flould after hurry any befide or beyond the wifdom and counsel of the lord, or the freedom of his light and spirit in their own hearts, and not upon good and weighty grounds: It truly laid hard upon us, to let \* friends

friends know how the matter stands; which we shall endeavour to do with all clearness and fidelity.

A. D. 1676.

certain, it is an unant of survey of survey of the control of the

have travelled in that country, to be wholesome of air and fruitful of soil, and capable of sea trade, is also certain; and it is not right in any to despite or dispraise it, or disswade those that find freedom from the Lord, and necessity put them on going.

'3. That the duke of York fold it to those called lord Berkeley, baron of Stratton, and fir George Carteret, equally to be divided between them, is also

certain.

4. One moiety or half part of the said province, being the right of the said lord Berkeley, was sold by him to John Fenwick, in trust for Edward Byllinge, and

his affigns.

'5. Forasmuch as E. B. (after William Penn had sended the difference between the said Edward Byllinge and John Fenwick) was willing to present his interest in the said province to his creditors, as all that he had left him, towards their satisfaction, he defired William Penn (though every way unconcerned) and Gawen Lawrie, and Nicholas Lucas, two of his creditors, to be trustees for performance of the same; and because several of his creditors, particularly and very importunately, pressed William Penn to accept of the trust for their sakes and security; we did all of us comply with those and the like requests, and accepted of the trust.

6. Upon this we became trustees for one moiety of the said province, yet undivided: And after no little labour, trouble and cost, a division was obtained between the said sir George Carteret and us, as outstees: The country is stroated and bounded as is expressed in the printed description.

'7. This now divided moiety is to be cast into one hundred parts, lots, or proprieties; ten of which upon the agreement made betwixt E. Byllinge and J.

· Fenwick,

A. D. 1676. Fenwick, were settled and conveyed unto J. Fenwick, his executors and assigns, with a considerable sum of money; by way of satisfaction for what he became concerned in the purchase from the said lord Berkely, and by him afterwards conveyed to John Edridge and Edmond Warner, their heirs and assigns.

6 8. The ninety parts remaining are exposed to sale, on the behalf of the creditors of the said E. B. And forasmuch as several friends are concerned as creditors, as well as others, and the disposal of so great a part of this country being in our hands; we did in real tenderness and regard to friends, and especially to the poor and necessitous, make friends the first offer; that if any of them, though particularly those that being low in the world, and under trials about a comfortable livelihood for themselves and families, should be desirous of dealing for any part or parcel thereof, that they might have the resulal.

of 9. This was the real and honest intent of our hearts, and not to prompt or allure any out of their places, either by the credit our names might have with our people throughout the nation, or by representing the thing otherwise than it is in itself.

As for the printed paper sometime since set forth by the creditors, as a description of that province; we say as to two passages in it, they are not so clearly and safely worded as ought to have been; particularly, in seeming to limit the winter season to so short a time; when on further information, we hear it is sometime longer and sometime shorter than therein expressed; and the last clause relating to liberty of conscience, we would not have any to think, that it is promised of intended to maintain the liberty of the exercise of religion by force and arms; though we shall never consent to any the least violence on conscience; yet it was never designed to encourage any to expect by force of arms to have liberty of conscience fenced against invaders thereof.

fear of Almighty God, his glory and honour, power and wisdom, truth and kingdom, is dearer to us than all visible things; and as our eye has been single, and our heart sincere to the living God, in this as in other things; so we desire all whom it may concern, that all groundless jealousies may be judged down and watched against, and that all extremes may be avoided on all hands by the power of the Lord; that nothing which hurts or grieves the holy life of truth in any that goes or stays, may be adhered to; nor any provocations given to break precious unity.

'This am I, William Penn, moved of the Lord, to write unto you, left any bring a temptation upon themselves or others; and in offending the Lord, flay their own peace: Bleffed are they that can fee, and behold bim their leader, their orderer, their conductor and preserver, in staying or going : Whose is the earth and the fullness thereof, and the cattle upon a thousand bills. And as we formerly writ, we cannot but repeat our request unto you, that in whomsoever 'adelire is to be concerned in this intended plantation, ' fuch would weigh the thing before the Lord, and not headily or rafhly conclude on any fuch remove; and that they do not offer violence to the tender love of their near kindred and relations; but foberly and con-Scientiously endeavour to obtain their good wills, the 'unity of friends where they live; that whether they go or flay, it may be of good favour before the Lord (and 'good people) from whom only can all beavenly and 'earthly bleffings come. This we thought good to write for the preventing of all misunderstandings, and to declare the real truth of the matter; and fo we com-'mend you all to the Lord, who is the watchman of his Ifrael. We are your friends and brethren,

WILLIAM PENN, GAWEN LAWRIE, NICHOLAS LUCAS.

CHAP.

## CHAP. VI.

Arrival of more settlers to West-Jersey; their difficulties, their purchases from the Indians; they lay out a town, some of their first sentiments of the country, and an account of the duke of York's two last grants, being for the provinces East and West New-Jerse, separately.

AMONG other purchasers of the West-Jersy lands, were two companies, one made up of some friends in Yorkshire, s. (as hinted in the concessions) the other of some friends in London; who each contracted for considerable shares, for which they had patents. In 1677, commissioners (agreeable to expectation given) were sent by the proprietors, with power to buy the lands of the natives; to inspect the rights of such as claimed property, and to order the lands lad out; and in general to administer the government, pursuant to the concessions: These commissioners were Thomas Olive, Daniel Wills, John Kinsey, John Penford, Joseph Helmsley, Robert Stacy, Benjamin Scott.

West-Jersey commisfioners

g. Thomas Hotchinson, of Reverley in the county of York, you man; Thomas Pierson, of Bonwicke in the said county, yeoman; Joseph Helmsly, of Great Kelke in the said county, veoman; George Hutchinson, of Sheffield in the said county, distiller, and Mahon Stacy of Hansworth in the said county, tanner, were all principal creditors to E. Byllinge, to whom several of the other creditors made affiguments of their debts, which together amounted to the same of . 2450, steeling, and who took in satisfaction of the said said undivided hundred parts of West-Jersey; and the same was conveyed to them, their heirs and assigns, by William Penn, Gawen Lawn, Nich. Lucas and Ed. Byllinge, by deed bearing date the first of the month called March, 1676: And by another conveyance of the same date, from and to the same persons, in satisfaction for other debt to the amount of f. 1050, sterling, three other sail equal and undivided ninetieth parts of the aforesaid ninety equal and andivided hundred parts of West-Jersey were also conveyed.

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Scott, Richard Guy and Thomas Foulke. They came in the Kent, Gregory Marlow, mafter, being the fecond ship from London, to the western parts: After a tedious passage they arrived at New-Castle, rehe toth of the 6th month, O. S. King Charles the fecond, in his barge, pleasuring on the Thames, came along fide, feeing a great many paffengers, and informed whence they were bound, asked if they were all quakers, and gave them his bleffing. They landed their paffengers, two hundred and thirty in number, about Rackoon creek, where the Swedes had fome scattering habitations; but they were too numerous to be all provided for in houses; some were obliged to lay their beds and furniture in cow stalls, and appartments of that fort; among other inconveniences to which this exposed them, the makes were now plenty enough to be frequently feen upon the hovels under which they shelter'd: Most of the passengers in this ship were of those called quakers; some of good estates in England. The commissioners had before left them, and were by this time got to a place called Chygoesi. Island, (afterwards Burlington) their business being to treat with the Indians about the land there, and to regulate the fettlements, having not only the proprietors but governor Andros's commission for that purpose; for in their passage hither, they had first dropped anchor at Sandy-Hook, while the commissioners went to New-York to acquaint him with their defign; for tho' they had concluded the powers they had from the proprietors, were fufficient to their purpose; they thought it a proper respect to the duke of York's commission, to wait on his governor upon the occasion; he treated them civily, but asked them

b. Richard Guy came in the first ship: John Kinsey, died at Shackamaxon soon after his landing; his remains were inserr'd at Burlington, in ground appropriated for a burying-ground, but now a street.

i. From Chygue, an Indian fachem, who lived there.

if they had any thing from the duke, his mafter? they replied, nothing particularly; but that he had conveyed that part of his country to lord Berkeley, and he to Byllinge, &c. in which the government was as much conveyed, as the foil: The governor replied, all that will not clear me; if I should surrender without the duke's order, it is as much as my bead is worth: but if you had but a line or two from the duke, I should be as ready to surrender it to you, as you would be to ask it. Upon which the commissioners, instead of excusing their imprudence in not bringing such an order, began to infift upon their right, and strenuously to affert their independency: But Andros clapping his hand on his fword, told them, that should defend the government from them, till he received orders from the duke, his master, to surrender it; he however softened, and told them, he would do what was in his power, to make them easy, till they could fend home to get redres; and in order thereto, would commissionate the fame persons mentioned in the commission they produced. 4 This they accepted, and undertook to act as magistrates under him, till further orders came from England, and proceed in relation to their land affairs, according to the methods prescribed by the proprietors.

When arrived at their government, they applied to the Swedes for interpreters between them and the Indians: Israel Helmes, Peter Rambo, and Lacy purchases. Cock, were recommended: By their help they made a purchase from Timber Creek to Rankokas Creek, another from Oldman's Creek to Timber Creek: after this they got Henric Jacobson Falconbre, to be their interpreter, and purchased from Rankokas Creek to

Affunpinck:

k. John Fenwick having neglected this precaution, as to the government of his tenth, was fent for a prisoner to New-York.

Affunpink: 4 But when they had agreed upon this last AD purchase, they had not Indian goods sufficient to pay 1677.

I. The deed for the lands between Rankokas creek and Timber creek bears date the 10th of September, 1677; that for the lands from Oldman's creek to Timber creek the 27th of September, 1677, and that from Rankokus creek to Affunpink the toth of Officer, 1677: By the confideration paid for the lands between Oldmans and Timber creek, a judgment may be formed of the reft. It confifted of 30 matchcoats, 20 guns, 30 kettles and one great one, 30 pair of hose, 20 fathom of duffelds, 30 petticoats, 30 narrow hoes, 30 bars of lead, 15 finall barrels of powder, knives, 30 indian axes, 70 combs, 60 pair of tobacco tongs, scissars, 60 tinshaw looking-glasses, 120 awl-blades, 120 fishhooks, 2 grasps of red paint, 120 needles, 60 tobacco boxes, 120 pipes, 200 bells, 100 Jewsharps, 6 anchors of rum. In the year 1703, another purchase was made by the council of proprietors of West-jersey, of land lying above the falls of Delaware; another also about that time of lands at the head of Rankokas river, and several purchases afterwards included the whole of the lands worth taking up in West-Jersey, except a few plantations reserved to the Indians; one of these in particular ought to be noted in this place, to the honour of John Wills, sometime one of the council, by whose advice the indian fachem, called king Charles, laid an English right on a large plantation, at Weekpink, containing a valuable track of land. in the county of Burlington, which is so contrived as to remain unalienable from his posterity, who now enjoy the benefit of it.

The following are entries from the records of the council of pro-

prietors relating to the purchases above.

At a meeting of the council of proprietors at Burlington, the fecond day of november, anno 1703. PRESENT : George Deacon, prefident, Samuel Jennings, Thomas Gardner, Christopher Wetherill, John Reading. ORDERED. That John Wills, William Biddle, jun. and John Reading, or any two of them, do go up to the Indians above the Palls, and particularly to Caponockous, in order to have the tract of land lately purchased of the Indiana marked forth, and get them to fign a deed for the fame; as also to receive the refidue of the goods as yet unpaid, or so many of them that can be had, and to give him an obligation for the payment of the remaining part next fpring. Ordered likewise, That the persons abovesaid, do go to Nimhammoe's wig-wam, in order to trut with him, to fee the bounds of the land lately purchased of him, to mark the same if it may be, and to pay him what part of the goods is already procured in part towards the said purchase; and to do what else may be necessary towards perfecting purchases of the concerns with the faid Indians, and compleating of the aforesaid; the said persons also taking with them Thomas Foulke, Andrew Heath, or some other proper person, to be an interpreter between them and the Indians.

A. D. the confideration, yet gave them what they had to 1677; get the deed figured; they were however obliged to agree

At a meeting of the council of proprietors at Burlington, on the 27th day of June, anno dom. 1703. PRESENT: Mahlon Stacy, Thomas Gardner, John Wills, George Deacon, Christopher Wetherill, Samuel Jennings and John Reading. The perfors appointed to treat with the Indians, at the Falls, do make report, that they accordingly met with the Indians, and made a full agreement with them, that is to fay, with Himhammoe, for one tract of and, adjoining to the division line, and lying on both sides of Rariton River, for the goods mentioned in a certain lift for that purpose made; and also with Coponnockou, for another tract of land, lying between the purchase made by Adlord Boude, and the bounds of the land belonging to Nimhammoe, fronting upon

purpose made; and also with Coponnockou, for another tract of land, lying between the purchase made by Adlord Boude, and the bounds of the land belonging to Nimhammoe, fronting upon Delaware river, for the goods mentioned in a particular list made to that end. Ordered, That publick notice be given to the preprietors within this prayince, that they meet together at Burlings ton, on the 19th day of July next, in order to inform them, that a purchase is peade upon what terms and also that all such man

on, on the 19th day of July next, in order to inform them, that a purchase is made, upon what terms, and also that all such may deposite their proportions of the charge; that expect to receive benefit thereby; which paper of publication is in these words.

By the council of proprietors fitting in Burlington, the 28th day of June, anno dom. 1703: Whereas many of the proprietors of this province have at fundry times addressed the council of proprietors, that they might be allowed a third dividend or taking up of land, proportionable to their particular and respective rights in the said province: Now this may certify, that the said council having taken into their consideration the request of the said proprietors, and in order to answer the same, have lately made an intian purchase of lands situate above the falls of Delaware; and therefore all proprietors who are concerned therein, or expect to receive benefit thereby, are hereby required to meet with the said council at Burlington, on the nineteenth day of July next, that they may be more particularly informed concerning the said purchase, and upon what terms and conditions it is made, and all other charge accruing thereby. Given under my hand per order, and in the behalf of the said council, the day and year above said.

Upon the application of Mahamickwen, alias king Charles, an indian fachem, unto the council of proprietors, concerning the bounds of two Indian purchases formerly made from Rankokas creek was Timbercreek, and from Rankokas to Assurption, in which deads mentioned the bounds to be from the uppermost head of Rankokas to the uppermost head of Timber creek, and by a right list extending from the uppermost head of Rankokas to the line of partition of fir George Carteret, right against the uppermost head of Assurption, which bounds were inserted through misunderstands ing between the interpreters and the English, and in truth ought

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agree with the Indians not to fettle till the remainder was paid: Having travelled through the country and viewed A. D. 1677.

to be according to a line that was afterwards actually run by agreement, made between the English and the Indians; and which comes lower upon the creek than the uppermost heads thereof; which said line the said king Charles desires may be allowed, entered and recorded, as the true and right bounds of said purchase, and that the abovementioned bounds may be vacated and held utterly void for the suture, to which the council assents; informing the sachem, that they always did and now do acknowledge and own the last mentioned line to be the true limits of those purchases, and order the same as actually run and marked by the English and Indians, to be approved and held only for the true line of the abovementioned purchases; and that the first mentioned and mistaken bounds be accounted null and void; and also that a

'record be accordingly made thereof.

At a meeting of the council of proprietors, the 19th of July, 1703. PRESENT: Samuel Jenings, Thomas Gardner, George Deacon, Christopher Wetherill, John Hugg, Isaac Sharp, and John Reading; the president absent. Memorandum, to inform the proprietors, First, that the council have made two Indian purchases, amounting to, according to our best computation, the 'number of 150,000 acres at the least, the cost whereof to the 'Indians, with other incidental charges, will amount to about the fam of f. 700. Secondly, That it is the design of the faid council, to give publick notice to the proprietors in England and elfewhere, what purchase is already made, of the opportunity of purchasing more land, that may be sufficient to allow the number of 5000 acres for each dividend to a propriety, and of the cost thereof, which by as near an estimation as we can make, will be about 24 ]. propriety for each dividend; and that if the faid proprietors will appoint their agents, and defray their proportionable part of the charges, on or before the 20th day of July, anno dom, 1704, that then they shall receive their respective rights, after the same method that the rest of the proprietors do, at any time after the 18th of October 8, 1704. Thirdly: But if the said absent proprietors shall neglect or refuse to pay their parts of the said charge, then that the faid Indian purchase already made; shall be taken up by such proprietary residents in these parts, that shall deposite their respective parts of the said purchase; which at 5000 for the dividend to a propriety, will amount to about 30 proprieties, which we judge will nearly answer all the proprietors who are or have agents in these parts. Fourthly: It is expected, that all soch proprietors who defign to be interested for the Indian purchase, do in some short time, advance their particular parts of the said costs, in order to pay the Indians off according to agreement made with

A. D.

viewed the land, the Yorkshire commissioners, Joseph Helmfley, William Emley and Robert Stacy, on behalf of the first purchasers, chose from the falls of Delaware down, which was hence called the first tenth: the London commissioners, John Penford, Thomas Olive, Daniel Wills, and Benjamin Scott, on behalf of the ten London proprietors, chose at Arwaumus, (in and about where the town of Gloucester nowis) this was called the fecond tenth: To begin a fettlement there, Olive fent up fervants to cut hay for cattle he had bought: When the Yorkshire commissioners found the others were like to fettle at fuch a distance, they told them, if they would agree to fix by them, they would join in fettling a town, and that they thould have the largest share, in consideration that they (the Yorkshire commissioners) had the best land in the woods: Being few, and the Indians numerous, they agreed to it. The commissioners employed Noble, a furveyor, who came in the first ship, to divide the After the main street was ascertained, he divided the land on each fide into lots; the eafternmost among the Yorkshire proprietors, the other among the Londoners: To begin a fettlement, ten lon of nine acres each, bounding on the west, were laid out; that done, some passengers from Wickaco, chiefy

Burlington laid out.

Jeremiah Bass, attorney to the West-Jersey Society, made a purchas on their behalf, in 1693, of the lands between Cohantick creek a Morris's river. [Vid. Revell's book, secretary's office, Burl. p. 32]. Many other Indian purchases were before and afterwards, from to time occasionally made, as the lands were wanted, in both East a West Jersey; they are too numerous to be all particularized; and thereafter mentioned, compleated the whole that was left.

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those concerned in the Yorkshire tenth, arrived the latter end of October. The London commissionen also employed Noble, to divide the part of the island yet unsurveyed, between the ten London proprietor,

m. In pursuance of the charter brought with them from English

in the manner beforementioned : The town thus by murual confent laid out, the commissioners gave it the name first of New-Beverley, then Bridlington, but and named foon changed it to Burlington. Some of the mafters of families that came in the ship last mentioned, and fettled in that neighbourhood, were Thomas Olive, Daniel Wills, William Peachy, William Clayton, John Crips, Thomas Eves, Thomas Harding, Thomas Nositer, Thomas Fairnsworth, Morgan Drewet, William Pennton, Henry Jenings, William Hibes, Samuel Lovett, John Woolston, William Woodmancy, Christopher Saunders, and Robert Powell t John Wilkinson and William Perkins, were likewise with their families paffengers, but dying on the voyage, the latter were exposed to additional hardships, which were however moderated by the care of their fellow passengers : Perkins was early in life convinced of the W.Perkins principles of those called Quakers, and lived well in Leicestershire; but seeing an account of the country wrote by Richard Hartshorne, and forming views of advantage to his family, tho' in his 52d year, he, with his wife, four children and fome fervants, embarked in this thip: Among the latter was one Marshall, a carpenter, paricularly serviceable in fitting up habitations for the new comers; but it being late in the fall when they rrived, the winter was much spent before the work vas begun; in the interim they lived in wigwams, wilt after the manner of the Indians. Indian corn nd venison, supplied by the Indians, was their chief ood: These people were not then much corrupted ith strong liquors, but generally very friendly and elpful to the English; notwithstanding it was thought ndeavours had been used to make them otherwise, by finuations that the English fold them the small-pox

A. D. 1677. in their matchcoats.". This distemper was among them. and a company getting together to confult about it, one

w. Thomas Budd, who own'd a share of propriety in West-Jersey, and ancestor to a large family there, who arrived at Burlington in 1768, in a pamphlet describing the country, about nine or ten years afterwards, fays, 'The Indians told us, in a conference at Burlington, hortly after we came into the country, they were advised to make war onus, and cut us off while we were but few ; for that we fold them the small pox, with the matchcoat they had bought of us; which caused our people to be in fears and jealousies concerning them; therefore we fent for the Indian kings to speak with them, who with many more Indians came to Burlington, where we had a conference with them about the matter; we told them we came among it them by their own confent, and had bought the land of them, for which we had honeftly paid them; and for what commodities we had bought at any time of them, we had paid them for, and had been just to them, and had been, from the time of our first coming, very kind and respectful to them; therefore we knew no reason that they had to make war on us; to which one of them, in behalf of the rest, made this following speech in answer. " Our young " men may fpeak fuch words as we do not like nor approve of, and " we cannot help that; and some of your young men may speak " fuch words as you do not like, and you cannot help that: We " are your brothers, and intend to live like brothers with you; we " have no mind to have war; for when we have war, we fre only " Ikin and bones, the meat that we eat doth not do us good; we " always are in fear, we have not the benefit of the fun to him " on us, we hide us in holes and corners; we are minded to live peace. If we intend at any time to make war upon you, we willet "you know of it, and the reasons why we make war with you; and " if you make us fatisfaction for the injury done us, for which the " war was intended, then we will not make war on you; and if you intend at any time to make war on us, we would have you let a know of it, and the reason; and then if we do not make sail-" faction for the injury done unto you, then you may make war or " us, otherwise you ought not to do it; you are our brothers, and " we are willing to live like brothers with you; we are willing to " have a broad path for you and us to walk in, and if an Indian " afleep in this path, the Englishman shall pass by, and do him at " harm; and if an Englishman is asleep in this path, the India " shall pass him by, and say, He is an Englishman, be is after thim alone, be loves to fleep. It shall be a plain part; there " not be in this path a flump to hurt our feet. And as to the fi " pox, it was once in my grandfathers time, and it could not be to English that could fend it to us then, there being no English " the country : And it was once in my father's time, they couldn't " fend it us then neither; and now it is in my time, I do not beli

, of their chiefs faid,--- In my grandfather's time the small-pox came: In my father's time the small-pox

A. D. 1677.

" that they have fent it us now; I do believe it is the man above

thing a countries and

" that hath fent it us." Some are apt to alk, how we can propose safely to live amongst fuch a heathen people, as the Indians, whose principles and prac-, tices leads them to war and bloodshed, and ours on the contrary, to love enemies? I answer: That we settled by the Indians confent and good liking, and bought the land of them that we fettle on; which they conveyed to us by deeds, under their hands and seals, and a so submitted to several articles of agreement with us, viz. not to do us any injury: But if it should so happen, that any of their people at any time should injure or do harm to any of us, then they to make us fatisfaction for the injury done; therefore if they break these covenants and agreements, then in consequence of them, they may be proceeded against as other offenders, viz. to be kept in subjection to the magistrate's power, in whose hand the sword of justice is committed, to be used by him for the punishment of evil doers, and praise of them that do well; therefore I do believe it to be both lawful and expedient to bring offenders to justice, by the power of the magistrate's sword; which is not to be used in vain, but may be used against such as raise rebellions and insurrections against the government of the country, be they christians or Indians (now that these have so far agreed to abide by the laws of civil government) otherwise it is in vain for us to pretend to magistracy or government; it being that which we own to be lawful both in principle and practice.-Indians have been very ferviceable to us by felling us venifor, Indian corn, peafe and beans, fish and fowl, buck-skins, beaver, otter, and other skins and furrs; the men hunt, fish and fowl, and the women plant the corn and carry burthens: There are many of them of a good understanding, considering their education, and in their publick meetings or business, they have excellent order, one speaking after another; and while one is speaking, all the rest keep filent, and do not so much as whisper one to the other: we had several meetings with them; one was in order to put down the fale of rum, brandy, and other strong liquors, to them, they being a people that have not government of themselves so as to drink in moderation; At which time there were eight kings [One of them was Okanickon, a noted friend to the English; of whom more in the viiith chapter. ] and many other Indians. The kings fat on a form, and we on another over against them; they had prepared four belts of wampum, (fo their current money is called, being black and white beads made of a fish-shell) to give us as seals of the covenant they made with us; one of the kings, by the confent and appointment of the reft, flood up and made this following speech. "The strong liquor was first fold to us by the Dutch; and they were

A. D. came; and now in my time the small-pox is come. Then stretching his hands towards the skies, said, it came from thence. To this the rest assented.

Having traced this ship's company into winter quarters, the next in course is the Willing Mind, John Newcomb commander; she arrived from London, in November, and dropt anchor at Elfingburgh; brought about fixty or feventy paffengers: Some fettled at Salem, others at Burlington; among the former were James Nevill, Henry Salter, and George Deacon, with their families. In this year also arrived the Flic-Boat Martha, of Burlington, (Yorkshire) failed from Hull the latter end of fummer, with one hundred and fourteen paffengers, defigned to fettle the Yorkthire tenth: Some masters of families in this ship, were Thomas Wright, William Goforth, John Lynam, Edward Season, William Black, Richard Dungworth, George Miles, William Wood, Thomas Schooley, Richard Harrison, Thomas Hooten, Samuel

Taylor

were blind, they had no eyes, they did not fee that it was for our hurt: The next people that came among us were the Swedes, who continued the fale of those strong liquors to us; they were also blind, they had no eyes, they did not fee it to be hurtful to us to drink it, although we know it to be hurtful to us; but if people will fell it to us, we are so in love with it that we cannot sorbed it: when we drink it, it makes us mad, we do not know what we do, we then abuse one another, we throw each other into the firm Seven score of our people have been killed by reason of the drinking it, since the time it was first sold us: Those people that sell it are blind, they have no eyes; but now there is a people come to live amongst us, that have eyes, they see it to be for our hurt, and we know it to be for our hurt: They are willing to dem themselves the profit of it for our good: These people have eye; we are glad such a people are come amongst us; we must put down by mutual consent; the case must be sealed up; it must be made fast, it must not leak by day nor by night, in the light not we would have you lay up safe, and keep by you, to be wintessed this agreement that we make with you; and we would have you tell your children, that these four belts of wampum are given you tell your children, that these four belts of wampum are given you to be witnessed to be witnessed the your to be witnessed to be witn

Taylor, Marmaduke Horiman, William Oxley, William Ley, and Nathaniel Luke, the families of Robert Stacy and Samuel Odas; and Thomas Ellis and John Batts, fervants, . fent by George Hutchinfon, also came in this ship. Twenty of the passengers, perhaps more, were living 45 years afterwards.

In one of these ships, or about this time however, John Kinarrived John Kinsey, then a young man; his father one sey, three of the commissioners aforementioned, dying on his name. arrival, the care of his family fell to him; he was afterwards a man of diftinguished services, in several public flations; and his fon after him, of the fame name, the late chief justice of Pennsylvania, must be long remembered by many in both provinces.

Having landed to many of the fettlers, it may not be difagreable to know fome of their first fentiments of the country. John Crips in a letter to Henry Stacy, gives the following account of it.

> · From Burlington, in Delaware river, the 26th of the 8th month, 1647.

Dear Friend,

Through the mercy of God, we are fafely arrived Crips letat New-Jersey; my wife and all mine are very well, and we have our healths rather better here than we had in England; indeed the country is fo good, that 'I do not fee how it can reasonably be found fault with: As far as I perceive, all the things we heard of it in England, are very true; and I wish that many people (that are in straits) in England, were here.

John

o. Many that came fervants, succeeded better than some that brought estates; the first inured to industry, and the ways of the country, became wealthy, while the others obliged to fpend what they had in the difficulties of first improvements; and others living too much on their original flock, for want of fufficient care to improve their effates, have, in many inflances, dwindled to indigency and want.

A. D.

Here is good land enough lies void, would ferve many thousands of families; and we think if they cannot live here, they can hardly live in any place in the world; but we do not defire to perfuade any to come, but fuch as are well fatisfied in their own minds. A town lot is laid out for us in Burlington. which is a convenient place for trade; it is about one hundred and fifty miles up the river Delaware; the country and air feems to be very agreable to our bodies, and we have very good stomachs to our victuals: Here is plenty of provision in the country; plenty of fish and fowl, and good venison very plentiful, and much better than ours in England; for it eats onot fo dry, but is full of gray, like fat young beef. You that come after us need not fear the trouble that we have had, for now here is land ready divided against you come: The Indians are very s loving to us, except here and there one, when they have gotten strong liquors in their heads, which they now greatly love: But for the country, in thort, I like it very well; and I do believe, that this river of Delaware is as good a river as most in the world? It exceeds the river of Thames by many degrees.

Here is a town laid out for twenty proprieties, and a straight line drawn from the river side up the land, which is to be the main street, and a market place about the middle. The Yorkshire ten proprietors are to build on one side, and the London ten the other side; and they have ordered one street to be made along the river side, which is not divided with the rest, but in small lots by itself; and every one that hath any part in a propriety, is to have his share in it. The town lots for every propriety will be about ten or eleven acres, which is only for a house, orchard and gardens; and the corn and pasture ground is to be laid out in great quantities.

I am thy loving friend,
John Crips.

Thomas

Thomas Hooten to his wife, dated 29th 8th month,

' My dear,

I am this present at the town called Burlington, where our land is; it is ordered to be a town for the ten Yorkshire and ten London proprietors. Tlike the place well; our lot is the fecond next the water fide: It's like to be a healthful place, and very pleasant to live in. I came hither yesterday, being the 28th of October, with some friends that were going to New-York. I am to be at Thomas 'Olive's house, till I can provide better for myself: I intend to build a house, and get some corn into the ground: And I know not how to write concerning thy coming, or not coming hither; the place I like very well, and believe that we may live here very well: But if it be not made free, I mean as to the customs and government, p. then it will not be fo well, and may hinder many that have defires to 'come: But if those two things be cleared, thou may take thy opportunity of coming this fummer.

THOMAS HOOTON.

## William Clark to the proprietors.

Dear Friends, 2d month, 1678.

th, 1678.

'I doubt not but it will be great satisfaction to you, to hear of mine and the rest of friends passage to, and safe arrival in New-Jersey: We took ship the sixteenth of November, and made the land of New-Jersey in thirty-four days. Now friends, as to this country, there has been much said by several persons in commendation thereof, both as to the increase of all sorts of grain and fruits; as also of the plenty of sish, sowl, deer, swine, &c. that I shall not need to add any thing to it; but in short, this I have to

p. The customs were those imposed at New Castle, upon all comers (of which we shall presently see a more particular account) the government was yet administred by virtue of governor Andros's commission, both which were unexpected and disagreable; but these objections were soon removed.

A. D. 1678. fay, that I do not know any one thing to fall fhort of what was reported of this province, but that more might truly have been said of its pleasant stuarion, wholesome air, and general and great increase of all things planted, and especially of Indian corn, which is a very good and servicable grain many ways; the English wheat and barley primely good; but rie and pease much better than any I ever saw in England or Ireland. I doubt not but you have had an account of all other matters before this (by those who came to Jersey before me) comes to your hands: And I have no other end in this, than keeping you from the rash censures of people that know it not; as also for the good and prosperity of this good country, &c.

Directed for William Penn,
Gawen Lawrie, or Edward Byllinge. WILLIAM CLARK.

John Crips to his brother and fifter.

Burlington, in New-Jersey, upon the river Delawar, the 19th of 4th month, called June, 1678.

Dear and loving brother and fifter.

'I have received both your letters, wherein I underfrand your faith concerning this country, if much ' shaken, thro' several false reports given thereof; which ' may be proved false under the hands of several good friends; I hope as worthy to be believed as that reporter; and fuch as have had more experience of this place than he had, or could have, in to thoris time; besides he came among us shortly after our coming hither, when things were not lettled in that order amongst us, as now they are; neither inded did he find fuch entertainment from fome, as he expected; which I suppose makes him speak the work he can devise of this place: But I question not but this report will in a short time be wiped away, some of which in my knowledge, is grossly untrue, a well as contradictions to his own words; for I remember when I travelled with him through part of New-Jersey, he confessed that much of this land was s as good or better than the land in Rhode-Island: And it's really my judgment, that those people that

cannot be contented with such a country, and such land as this is, they are not worthy to come here: And this I can truly tell you, if I were now in England with you (and which I should be very glad to see)

yet if all I had in the world would but bring me hither, I would freely leave you and my native country, and come to New-Jersey again; which I have said many a time heretofore, but now write it

under my hand, and it's really the truth, whether you will believe it or not; and farther, I can truly tell

'you, that I desire not, nor dare to write the least untruth, to draw you, nor any others to this place:

But I am resolved, if I never see your faces more, to sleave you to your own freedom. But I hope you

'are not insensible of my love and desires for you; tho' I am, I say, constrained to forbear persuading

'you, or any one elfe against their own freedoms; yet 'I think it my duty to let you, and all men know

the truth of things as near as I can. Your letter

'faith, "it's reported the water is not fo good as in "England," I do not remember that ever I tasted

better water in any part of England, than the fprings of this place do yield; of which is made very good beer and ale; and here is also wine and cyder. And

whereas your letter to me faith, "feveral have come

"back from this country to England." Two or three 'I suppose; there are lazy idle persons that have done 'so: but on the other hand, here are several persons.

'fo; but on the other hand, here are feveral persons, 'men of estates, that have been here, and have gone back to England, and fold their estates and returned

with their whole families, hither again; which methinks should take many of these scruples out of

'the way, if nothing else were said or done in praise of this country: But I suppose there are many in

England, that defire to hear ill of this place, because they would keep their friends there with them; and

they think we never write enough of the bad pro-

perties of the country, and vermin in it. Now this I may fay, in short, that here are bears, wolves, foxes,

rattle snakes, and several other creatures, (I do believe because I see the Indians have such skins to sell) but

1678.

I have travelled feveral hundreds of miles, to and ' fro, and I never to my knowledge, faw one of those creatures, except two rattle fnakes, and I killed them both: I suppose the fear of those creatures in England, is far worse to some there, than the hurt of them is here; and as for the musketto fly, we are not troubled with them in this place; our land for the most part, lying high and healthy, and they for the most part, are in a low boggy ground. Thomas Budd and his family are arrived; the ship lyeth before this town, that brought them: I wish you have not cause to repent that you came not along with them; they had a very good passage, and so had the London ship; they are both in the river at this I understand by Thomas Budd, that he did fatisfy you as near as he could, of the truth of things here; and you had as much reason to believe him, as that other person, and more too; for Thomas had far more experience of this place, than he could have in the short time he was among us; fo of these things I shall forbear to write any further at present.

JOHN CRIPS.

To the truth of the contents of these things, we fubscribe our names; Daniel Wills, Thomas Olive, Thomas Harding, Thomas Budd, William Peachy.

In the 10th month O. S. 1678, arrived the Shield, from Hull, Daniel Towes commander, one of the ships mentioned in the above letter, and dropped anchor before Burlington, being the first ship that came fo far up Delaware: Against Coaquanocks being a bold shore, she went so near in turning, that part of the tackling struck the trees; some on board then remarked it was a fine spot for a town: A fresh gale brought her to Burlington: She moor'd to a tree, and the next morning the people came a shore on the Ice, so hard had the river fuddenly frozen. In her came William Emley,

The fhip Shield.

g, The Indian name of the place where Philadelphia now stands.

1678.

the fecond time, with his wife, two children; one born by the way, two men and two women fervants; Mahlon Stacy, his wife, children and feveral fervants, men and women; Thomas Lambert, his wife, children and several men and women servants; John Lambert and fervant; Thomas Revell, his wife, children and fervants; Godfrey Hancock, his wife, children and fervants; Thomas Potts, his wife and children; John Wood and four children; Thomas Wood, his wife and children; Robert Murfin, his wife and two children; Robert Schooly, his wife and children; James Pharo, his wife and children; Sufannah Fairnfworth, her children and two fervants; Richard Tatterfal, his wife and children; Godfrey Newbold, John Dewsbury, Richard Green, Peter Fretwell, John Fretwell, John Newbold, one Barns, a merchant from Hull, Francis Barwick, George Parks, George Hill, John Heyres, and feveral more.

In this year also arrived a ship from London, which brought John Denn, Thomas Kent, John Hollinfhead, with their families; William Hewlings, Abraham Hewlings, Jonathan Eldridge, John Petty, Thomas Kirby, with others: The first of these settled about Salem, the rest at Burlington. About this time, and a few years afterwards, arrived at Burlington, the following fettlers from England, viz. John Butcher, Henry Grubb, William Butcher, William Brightwin, Thomas Gardner, John Budd, John Bourten, Seth Smith, Walter Pumphrey, Thomas Ellis, James Satterthwaite, Richard Arnold, John Woolman, John Stacy, Thomas Eves, Benjamin Duffeld, John Payne, Samuel Cleft, William Cooper, John Shinn, William Biles, John Skein, John Warrel, Anthony Morris, Samuel Bunting, Charles Read, Francis Collins, Thomas Mathews, Christopher Wetherill, John Dewsbury, John Day, Richard Basnett, John Antrom, William

A. D. Biddle, Samuel Furnace, John Ladd, Thomas Raper, 1678. Roger Huggins and Thomas Wood.

Some hint has been given respecting the Dutch conquest of New-York and New-Jersey, and that in 1673, they were yielded to king Charles the second, by the general article of the treaty of peace: It was to prevent any disputes that might arise upon a plea of the property being thus alienated from the first purchasers, that that king did, by his letters patent bearing date the 29th day of June, 1674, grant unto the duke of York, his heirs and assigns, the several tracts of land

r. Several of these have died within a few years past; whether my but Wood are yet living, cannot here be told.

A The accounts of that affair, tho' fufficient to authenticate the facts, are defective: Sir George Carteret in a publick declaration to the inhabitants, dated July 31, 1674, afferts it positively. The ingenious author of the history of New-York, says, (p. 29, 30, 31.) A few Dutch ships arrived the 30th of July 1673, under Suiten-Island, at the distance of a few miles from the city of New-York. Iohn Manning a captain of an independent company, had ar that time the command of the fort, and by a mellenger fent down to the fquadron, treacherously made his peace with the enemy. On that very day, the Dutch ships came up, moored under the fort, landed their men, and entered the garrison, without giving of receiving a shot. A council of war was afterwards held at the Stadt-House, at which were present, Cornelius Evertse, jun. and Jacob Benkes, commodores, and Anthony Colve, Nicholas Boes, Abraham Ferd. Van Zyll, captains. All the magisfrates and constables from East-Jersey, Long Island, Esopus and Albany, were immediately summoned to New-York; and the major put of them fwore allegiance to the States General, and the prince of of Orange. Col. Lovelace was ordered to depart the province, but afterwards obtained leave to return to England with commodore Benkes. It has often been infifted on, that this conquet did not extend to the whole province of New-Jersey; but apon what foundation I cannot discover: From the Dutch records it appears, that deputies were fent by the people inhabiting the country, even fo far westward as Delaware river, who in the name of their principals, made a declaration of their schmission; in return for which, certain privileges were granted to them, and three indicatories erected at Niewer Amftel, Upland, and Hoarkill -The Dutch governor enjoyed his office but a very short featon, for on the 9th of February 1674, the treaty of peace between England and the States General was figned at Westminster; the fixth article of which restored this country to the English."

A. D.

in America, which by the former letters patent had been granted to him; of which New-Jerfey was part. In this year, upon the application of the affigur of lord Berkely, the duke made them a new grant of West New-Jersey; and in like manner by an instrument bearing date the 10th of October, granted the eastern moiety of New-Jersey, to the grandson of sir George Carteret.

## CHAP VIII

BULLOSMOSENT TREEL, MENTELPOLISO

Letters from some of the settlers of West-Jersey; and arguments against the customs imposed at the Hoar Kill by the governor of New-York.

SOME letters from the first settlers of West-Jersey, with accounts of their situation and sentiments of the country, have already been introduced; more might be added, but the following may suffice in this place.

Abstract of Mahlon Stacy's letter to his brother Revell, and some others, dated the 26th of the 4th month 1680.

1680.

But now a word or two of those strange reports you have of us and our country; I affirm they are not true, and sear they were spoke from a spirit of envy: It is a country that produceth all things for the support and sustenance of man, in a plentiful manner; if it were not so, I should be ashamed of what I have before written; but I can stand, having truth on my side, against and before the face of all gainsayers and evil spies: I have travelled through most of the places that are settled, and some that are not, and in every place I find the country very apt to answer the expectation of the diligent: I have seen orchards laden with fruit to admiration, their very limbs torn to pieces with the weight, and most delicious to

A. D. 1680.

the tafte, and lovely to behold; I have feen an apple tree from a pippin kernel, yield a barrel of curious cyder, and peaches in fuch plenty, that fome people took their carts a peach-gathering; I could not but fmile at the conceit of it: They are a very delicate fruit, and hang almost like our onions that are tied on ropes: I have feen and known this fummer, forty bushels of bold wheat of one bushel fown and many more such instances I could bring; which would be too tedious here to mention: We have from the time called May until Michaelmass, great store of very good wild fruits, as strawberries, cranberries and hurtleberries, which are like our bilberries in England. but far sweeter; they are very wholesome fruits. The cranberries much like cherries for colour and bignes, which may be kept till fruit come in again; an excellent fauce is made of them for venison, turkeys, and other great fowl, and they are better to make tarts than either goofberries or cherries; we have them brought to our houses by the Indians in great plenty. My brother Robert had as many cherries this year as would have loaded feveral carts: It is my judgment by what I have observed, that fruit trees in this country deftroy themselves by the very weight of their fruit: As for venison and fowls, we have great plenty: We have brought home to our houses by the Indians, feven or eight fat bucks of a day; and sometimes put by as many; having no occasion for them; and fish in their season very plenteous: My cousin Revell and I, with some of my men, went last third month into the river to catch herrings; for at that time they came in great shoals into the shallows; we had neither rod nor net; but after the Indian fashion made a round pinfold, about two yards over, and a foot high, but left a gap for the fish to go in at, and made a bush to lay in the gap to keep the fish in; and when that was done, we took two long birches and tied their tops together, and went about a stone's cast above our faid pinfold; then hawling these birche's boughs down the stream, where we drove thousands · before

before us, but fo many got into our trap as it would hold, and then we began to hawl them on shore as fast as three or four of us could, by two or three at a time; and after this manner, in half an hour, we could have filled a three bothel fack of as good and large herrings as ever I faw; and as to beef and pork. here is great plenty of it, and cheap; and also good heep: The common grafs of this country feeds beef very fat: I have killed two this year, and therefore I have reason to know it; besides I have seen this fall. in Burlington, killed eight or nine fat oxen and cows on a market day, and all very fat; And though I fpeak of herrings only, left any should think we have little other forts, we have great plenty of most forts of fish that ever I faw in England; besides feveral other forts that are not known there; as rocks, 'tat-fifth, fhads, fheeps-heads, fturgeons; and fowls plenty; as ducks, geefe, turkies, pheafants, partridges, and many other forts that I cannot remember, and would be too tedious to mention. Indeed the country, take it as a wilderness, is a brave country. though no place will please all. But some will be ready to fay, he writes of conveniencies, but not of inconveniencies: In answer to those, I honestly declare, there is some barren land, as (I suppose) there is in 'most places of the world, and more wood than some would have upon their lands; neither will the country produce corn without labour, nor cattle be got without fomething to buy them, nor bread with idleness; else it would be a brave country indeed: And I quefion not, but all then would give it a good word; for my part I like it fo well, I never had the least thought of returning to England, except on the account of trade. MAHLON STACY."

In a letter to William Cook of Sheffield, and others, M. Stacy. Stacy wrote thus:

'This is a most brave place; whatever envy or evil fpies may speak of it, I could wish you all here; Burlington will be a place of trade quickly; for here

A. D.

is way for trade: I, with eight more last winter. bought a good ketch of fifty tons, freighted her out at our own charge, and fent her to Barbados, and fo to fail to Saltertugas, to take in part of her lading in falt, and the rest in Barbados goods as the came back; which faid voyage the bath accomplished very well, and now rides before Burlington, discharging her lading, and so to go to the West-Indies again; and we intend to freight her out with our own corn, wanted nothing fince we came hither, but the company of our good friends and acquaintance; all our people are very well, and in a hopeful way to live much better than ever they did; and not only fo, but to provide well for their posterity: They improve their lands and have good crops; and if our friends and countrymen come, they will find better reception than we had by far at first, before the country was fettled as now it is. I know not one among the people, that defires to be in England again; I mean fince fettled: I wonder at our Yorkshire people, that they had rather live in servitude, and work hard all the year, and not be three pence the better at the year's end, than ftir out of the chimney corner and transport themselves to a place where, with the like pains, in two or three years, they might know better things. "I never repented my coming hither, nor yet remembred thy arguments and out-cry against New-Jerky

with regret. I live as well to my content, and in a great plenty as ever I did, and in a far more likely way to get an estate. Tho' I hear some have thought I was too large in my former, I affirm it to be true; having seen more with mine eyes in this time since, than ever yet I wrote of.

From the Falls of Delaware, in West-New-Jersey, the 26th of the 4th month, 1680.

1680. Abstract

their corn or ground it with Rand mills; but about this time Olive had built his water mill on his plantation, nigh Rankokas creki and in this year Stacy finished his mill at Trenton: This last having been rebuilt, continues good: These two were the only mills the ground for the country several of the first years after their arrival.

## O: NEW-JERSEY.

Abstract of a letter from Daniel Wills to William Biddle, in Biftiop's-gate-Street, London.

Dear friend.

t,

'Let every man write according to his judgment. and this is mine concerning this country, I do really D. Wills. believe it to be as good a country as any man need to dwell in; and it is much better than I expected every way for land I will affure thee; here is as good by the judgment of men, as any in England? and for my part I like the country fo well, and it is so pleasant to me, that if I had a good estate in land in England, I should not come to live upon its for through industry here will be all things produced that are necessary for a family as in England, and far more eafy, I am fatisfied: When I am walking alone, and the sense of the Lord's good dealings is brought before me a cannot but admire him fon his merides, and often in fecret blefs his name, that even be turn'd my face hitherward, and gave me confidence in himself, and boldness by faith, to oppose all gainfayers; though never to ftrong: Although then I could not fay, it feemed to clear to leave the land of my nativity, yet now it is to me a certainty, that an removal was right, and in what I did, I had peace and in all my exercises by sea and land, I never fels the least matter in me, as to defire I had not teme forward, but rather rejoiced in the midt of odl 'Though my removal was not ordinary, because of the largeness of my family, yet blessed be God all is well to our content; if thou heeds every objection it will be work enough: My resolutions were, and my fayings to feveral oppofers, that I would come; if God hindred me not, no man should. I have write to John Mulliner and Edward Cooper largely, concerning the country, and refer to that letter. Now my near and ancient acquaintance, William and Sarah Biddle, my love you may feet beyond caprefor not was reported in their to Lot : Sit John

2 1680 =

the duke's behalf, wrote to have u. William and Sarah Biddle, with their family, removed for West-Jersey, in the summer, 1681.

A. D. 1680. let nothing hinder; but if you have a ftop within yourselves, let not any thing farther you until the way clears to your full satisfaction. In this advice I deny myself; if I might I would forward you to the utmost, but I dare not; if a man cannot live here, I believe he can hardly live in any place in the world; the place being, as I thought, set before me, by him who gives length of days; I will wait his good pleasure, and see what he will afford me in it. The last ship that came to New-York, brought several passengers, some of which came to see this country, and liked it well; so dear friends, you may stand against all opposes concerning the land, for it is good.

Burlington, 6th of 11th month, 1679-80.

DANIEL WILLS!

Though the passengers who had already come to West-Jersey, were well satisfied with the country, things in general answering beyond their expectation; yet they were under one great inconveniency. We have feen, that the governor of New-York, had very early imposed ten per cent. on all goods imported at the Hoar Kill; and on exports, fomething in kind ftill sublifted: Five per cent being demanded of the fettlers at arrival, or afterwards, at the officer's pleafure; and that not according to the nest cost of the goods; but upon the foor of the invoice, as shipped in England: This was evidently an arbitrary act , neither West-Jersey nor the Hoarkill was legally under their jurisdiction; the fettler from the first complained of the hardship, but bore it with tolerable patience, till about 1680; when they hadit redreffed by the interpolition of their friends in England, who applying to the duke of York, he referred the matter to council; there it refted for a confiderable time; but at laft, by the diligence of W. Penn, Geo. Hutchinson, and others, was reported in their favour : Sir John Werden, on the duke's behalf, wrote to have it discontinued. The

The arguments used against this duty or impost, may be feen by the following.

To those of the duke's commissioners, whom he has ordered to hear, and make report to him, concerning the customs demanded in New West-Jerfey, in America, by his governor of New-York,

'rft. The king has granted to the duke of York, a tract of land in America, conflitting of feveral ments a-Indian countries, with fuch powers and authorities customs at s are requifite to make laws, and to govern and the Hoars preserve the territory when planted : But with this kills. restriction twice expressed, and several times referred to, viz. So always as the faid statutes, ordinances, and proceedings, be not contrary, but as near as may be, agreeable to the laws, statutes, and government of this our realm of England. In another place thus; And further, it may be lawful for our dearest brother, bis beirs and affigns, by thefe prefents, to make, ordain, and establish all manner of orders, laws, directions, instruments, and forms of government, and magistrates fit and necessary for the territory aforesaid : But fill with this limitation; fo always as the fame be not contrary to the laws and flatutes of this our realm of England, but as near as may be agreeable thereto.

'2. The duke of York, by virtue of this grant from the king to him, for a competent fum of money, (paid by the lord John Berkely and fir George 'Carteret) granted and fold to them, a tract of land, called now by the name of New-Cefarea, or New-Jersey; and that in as ample manner as it was granted by the king to the duke.

'Thus then we come to buy that moiety which belonging to lord Berkeley, for a valuable confideration; and in the conveyance he made us, powers of government are expressly granted; for that only could have induced us to buy it; and the reason is plain, because to all prudent men, the government of any place is more inviting than the foil; for what is good land without good laws; the better the worfes

Argu-

A. D.

And if we could not assure people of an easy and free, and safe government, both with respect to their spiritual and worldly property; that is, an uninterrupted liberty of conscience, and an inviolable possession of their civil rights and freedoms, by a just and wise government,—a meer wilderness would be no encouragement; for it were a madness to leave a free, good and improved country, to plant in a wilderness; and there adventure many thousands of pounds, to give an absolute title to another person to tax us at will and pleasure: This single consideration, we hope, will excuse our desire of the government; not afferted for the sake of power but safety; and that not only for ourselves, but others; that the plantation might be encouraged.

fidering how much freedom invites, that they might encourage people to transport themselves into those parts, made and divulged certain concessions, containing a model of government: Upon these several went, and are there planted; the country was thus possessed, and the said government uninterruptedly administred by the said lord Berkely and fir George Carteret, or their deputy, for several years, during

which time no cuftom was demanded.

4. We dealt with the said lord Berkeley, upon the fight of these concessions, and the presumption that neither he nor sir George Carteret, would attempt to act any thing they had not power to do; much less, that they or either of them, would pretend to sell a power they never had; since that would not only be a cheat to the people that dealt with them for it, but

an high affront to the duke.

thus bought of the faid lord Berkeley, we dispose of part of our interest to several hundreds of people, honest and industrious; these transport themselves, and with them such houshold stuff and tools, as are requisite for planters to have: They land at Delaware bay, the bounds of the country we bought the passage

A. D.

paffage God and nature made to it; at their arrival they are faluted with a demand of cultum, of five per cent. and that not the goods may be there worth, but according to the invoice as they cost before thipp'd in England; nor did they take them as they came, but at pick and choose, with some severe language to boot. This is our grievance; and for this we made our application to have speedy redress, not as a burden only, with respect to the quantum or the way of levying it, or any circumstances made hard by the irregularity of the officers, but as a wrong; for we complain of a wrong done us; and afk yet with modesty, quo jure? Tell us the title by what right or law are we thus used; that may a little mitigate our pain ?-- Your answer hitherto hath been this, "That it was a conquered country; and that the king, " being the conqueror, he has power to make laws, "raife money, &cc. and that this power jure regale, the "king hath vefted in the duke, and by that right and " fovereignty, the duke demands that cuftom we com-"plain of." But suppose the king were an absolute conqueror in the case depending, doth his power extend equally over his own English people, as over the conquered? Are not they fome of the letters that ' make up the word conqueror? Did Alexander con-'quer alone, or Caefar beat by himfelf? No. Shall 'their armies of countrymen and natives lie at the fame 'mercy as the vanquished, and be exposed to the same will and power with their captive enemies? The Norman duke, more a conqueror of England, by his ' fubjection to our laws, and pretence to a title by them, than of heraldry by his arms, used not the compa-'nions of his victory so ill: Natural right and humane 'prudence, oppose such doctrine all the world over; for what is it but to fay, that people free by law under their prince at home, are at his mercy in the plan-'tations abroad; and why? because he is a conqueror 'there, but still at the hazard of the lives of his own people, and at the coft and charge of the publick: We could fay more, but choose to let it draw. But our

A. D. 1680.

our case is better yet; for the king's grant to the duke of York, is plainly restrictive to the laws and govern. ment of England, and that more than once, as is before expressed. Now the constitution and government of England; as we humbly conceive, are fo far from countenancing any fuch authority, as it is made a fundamental in our conflitution and government, that the king of England cannot justly take his fubjects goods without their confent: This needs no more to be proved, than a principle; 'tis jus indigene. an home-born right, declared to be law by diverse statutes; as in the great charter, ch. 29, and 34 Ed. 3, ch. 2; again, 25 Ed. ch. 7. Upon this were many of the parliament's complaints grounded; but particularly that of the same king's reign, as is delivered by Mat. Westminster, in these words: \* ---- To give up this (the power of making laws) is to change the government, to fell, or rather refign ourselves to the will of another; and that for nothing: For under favour we buy nothing of the duke, if not the right of an undisturbed colonizing, and that as Englishmen with no dimunition, but expectation of fome increase of those freedoms and privileges enjoyed in our own country; for the foil is none of his, 'tis the natives, by the Jus gentium, by the law of nations; and it would be an ill argument to convert to christianity, to expel instead of purchasing them out of those countries: If then the country be theirs, it is not the duke's; he cannot fell it; then what have we bought? We are yet unanswered in this point, and defire you to do it with all due regard to the great honour and justice of the duke: If it be not the right of colonizing there, which way have we our bargain, that pay an arbitrary custom, neither known to the laws of England, nor the fettled constitution of New-York, and those other plantations? To conclude this

s. The manuscript copy whence this is taken, is here defaced. It contains a number of authorities from Bracton, Fortesque, the petition of right, &c.

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point, we humbly fay, that we have not loft any pare of our liberty, by leaving our country; for we leave not our king, nor our government, by quitting our foil: but we transplant to a place given by the same king, with express limitation to erect no polity contrary to the same established government, but as near as may be to it; and this variation is allowed but for the fake of emergencies; and that latitude bounded with these words, for the good of the adventurer and planter; which that exaction of cuftom can never be: In that it not only varies to the discouragement and prejudice of the planter, but contradicts his native laws, rights and liberties, and lays a foundation for another fort of government than that which was only known to his fathers; unto the just defence of which he is engaged by nature and municipal laws: So far. the point of law.

We shall now insist upon the equity of our case; First, This very tax of five per cent. is a thing not to be found in the duke's conveyances, but an after-business; a very surprize to the planter! and such an one, as could they have foreseen, they would have sooner taken up in any other plantation

in America. In the next place,

'2. New-Jersey never paid custom before last peace, and that peace re-invests every proprietor by articles. Now we bought it when free, since which time this imposition is born; must we be subjected to the payment of one tax, of greater value than the country? This in plain English, is under another name, paying for the same thing twice over; nay, had the soil been purchased of the Indians, by those of whom we bought it, and given us; it had been dearly accepted, upon this condition, and with this incumbrance; but it was bought by us, and that for a valuable consideration here; and is now purchased again of the natives there too; this makes our case extreme hard, and we pray relief.

'3. Custom in all governments in the world, is laid upon trade, but this upon planting is unprecedented;

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' Had we brought commodities to these parts to sell. " made profit out of them, and returned to the advantage of traders; there had been some colour or pretence for this exaction; but to require and force a custom from persons for coming to their property, their own terra firma, their habitations, in short, for coming home, is without a parallel; this is paying custom not for trading, but landing , not for merchandizing, but planting; in very deed for hazarding; for there we go; carry over our families and estates; adventure both for the improvement of a wilderness, and are not only told we must pay hereafter out of our gains and improvements, but must pay out of our poor stock and principal, (put into goods) five pounds in the hundred; and not as they are there worth, but as they here cost; and this for coming to plant: So that the plain English of the tragedy is this; we twice buy this moiety of New-Iersey, first of lord Berkeley, and next of the natives; and what for? the better to mortgage ourselves and posterity to the duke's governors, and give them a title to our persons and estates, that never had any before: But pray confider, can there be a house without a bottom; or a plantation before a people? if not, can there be a custom before a trade? Thus much for the equitable part of our plea; the next and last, is the prudential: We do offer several things in point of prudence, why the duke should defit from the exaction: First, there can be no benefit to a prince in America, there can be no trade, without a people; there will be no people where there is no encouragement; nor can there be any encouragement where people have not greater privileges by going than flaying; for if their condition be not meliorated, they will never forego the comfort of their kindred they must leave behind them, nor forfake their native country, run the hazard of the feas; not laftly, expose themselves to the wants and difficulties of a wilderness; but on the contrary, if the have less privileges there than at home; 'tis every

way to worst themselves to go; for they do not only by custom here for going, but there for arriving which is not done in any other plantation, even when our men go to merchandize and not to plant, which is our case: Befides there is no end of this power: for fince we are by this precedent, affeffed without any law, and thereby excluded our English right of common affent to taxes; what fecurity have we of any thing we poffer? we can call nothing our own, but are tenants at will, not only for the foil but for all our personal estates; we endure penury and the weat of our brows, to improve them at our own hazard only: This is to transplant, not from good to better, but from good to bad; this fort of conduct has destroyed government, but never raised one to any true greatness; nor ever will in the duke's territories, whilft to many countries equally good in foil and air, furrounded with greater freedom and fecurity: Whereas if the duke please to make all planters easy and fafe in their liberty and property, such a 'just and free government will draw in other places, encourage persons to transplant into his country, and his difbursments will soon be at an end; his tevenues, with fatisfaction to the people, prefertly visibly 'augmented: Next this encouragement shipping and feamen, which not only takes off abundance of idle people, but our native growth and manufacture, and the export of them; and the import of the produce of these plantations, in a little time overflow and 'advance the revenue of the crown: Virginia and Barbados are proofs undeniable in the case.

Lastly, the duke's circumstances, and the people's jealousies considered, we humbly submit it, if there can be in their opinion, a greater evidence of a design to introduce an unlimited government, than both to exact such an unterminated tax from English planters, and to continue it after so many repeated complaints; and on the contrary, if there can be any thing so happy to the duke's present affairs, as the opportunity he hath to free that country with his own hand,

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and to make us all owers of our liberty, to his favour and justice: So will Englishmen here know what to hope for, by the justice and kindness he shews to Englishmen there; and all men to see the just model of his government in New-York, to be the scheme and draught in little, of his administration in Old England at large, if the crown should ever devolve upon his head. The conclusion is this, that for all these reasons in law, equity and prudence, alledged; you would please to second our request to the duke, that like himself, he would void this taxation, and put the country in such an English and free condition, that he may be as well loved and honoured, as feared by all the inhabitants of his territory; that being great in their affections, he may be great by their industy; which will yield him that wealth, that parent of power, that he may be as great a prince by property as by title.

That this custom was now taken off, will, among other things, appear by the following letter from Samuel Jenings, y directed to William Penn, Edward Byllinge, or Gawen Lawrie.

Dear friends,

Jenings to Penn, &c. This may give you an account of mine and my families fafe arrival in New-Jersey, with all the relief that came with us. I might say something conceming our passage at sea, but I wave it for want of time, and in fine may observe all was well; for which I bless God; and the Lord keep us all sensible of it, with the rest of his mercies forever.

Delaware river, where I expected to have met with a combat, in the denial of customs: In our passage at sea, I had communicated to all that had any considerable cargo on board, the opinion of council, consciently cerning the illegal demand thereof, with what else I thought

y. He with his family, removed from Coles hill, the upper fide of the county of Bucks, about the third month, 1680.

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thought might be for their information; which thus far prevailed, that most if not all concerned, seemed resolved to deny the paying of custom here; having paid all the king's duties in England. In good time we came to anchor in Delaware, where one Peter Africk came aboard, and brought a handsome present to our commander, and sent for me into the round-house, where they both were, and Peter told me he had nothing to say to us relating to customs; he had no commission for it, nor did he know of any body that had; so we had all our goods safely landed after this unexpected easy manner.

In pursuance of the trust committed to me after my arrival, I acquainted those nominated in the commission with me of it; but in a short time after I received your letters, giving an account of a new grant obtained, wherein the customs are taken off, a free port confirmed, and the government settled on Edward Bylinge; which I doubt not will be very acceptable to every honest man; but as yet I have not had time to set the people in general know it: And now seeing the ports are made legally free, and the government settled, I would not have any thing to remain as a discouragement to planters: Here are several good and convenient settlements already, and here is land enough and good enough for many more.

New-Jersey, the 17th of October, 1680.

Samuel Jenings.

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z. He used to collect the customs.



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CHAP.

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## CHAP. VIII.

The first form of government in West-Jursey, under the proprietors: The first laws they made: The method of regulating land affairs; and a further account of the Indians found in the first settled part of these provinces.

Jenings deputy governor. THE western part of New-Jersey, was now become populous, by the accession of many settlers. Jenings, who arrived last year, about this time, received a commission from Byllinge, (whom the proprietors in England, as mentioned before, had chose governor) to be his deputy: He called an assembly, and with them agreed upon certain fundamentals of government, as follows.

Province of West-New-Jersey, in America, the 15th of the 9th month called November, 1681.

Fundamentals.

- Forasmuch as it hath pleased God to bring us into this province of West-New-Jersey, and settle us her in fafety, that we may be a people, to the praise and honour of his name, who hath to dealt with us, and for the good and wellfare of our posterity to come We, the governor and proprietors, freeholders and inhabitants of West-New-Jersey, by mutual contact and agreement, for the prevention of innovations and oppression, either upon us, or our posterity, and for the preservation of the peace and tranquility of the fame; and that all may be encouraged to go on chearfully in their feveral places; we do make and constitute these our agreements, to be as fundamentals to us, and our posterity, to be held inviolable; and that no person or persons whatsoever, shall or may make void or difannul the fame, upon any pretent whatfoever.
- '1. That there shall be a general free assembly for the province aforesaid, yearly and every year, at a day certain

certain, chosen by the free people of the said province, whereon all the representatives for the said province shall be summoned to appear, to consider of the affairs of the said province, and to make and ordain such acts and laws as shall be requisite and necessary for the good government and prosperity of the free people of the said province; and (if necessary shall require) the governor for the time being, with the consent of his council, may and shall issue out writs to convene the assembly sooner, to consider and answer the necessary.

his heirs or successors, for the time being, shall not suspend or defer the signing, sealing and confirming of such acts and laws as the general assembly from time to time to be elected by the free people of the province aforesaid) shall make or enact for the securing of the liberties and properties of the said

free people of the province aforefaid.

'3. That it shall not be lawful for the governor of the said province, his heirs or successors, for the time being, and council, or any of them, at any time or times hereafter, to make or raise war upon any account or pretence whatsoever, or to raise any military forces within the province aforesaid; without the consent and act of the general free assembly, for the

' time being.

4. That it shall not be lawful for the governor of the said province, his heirs or successors, for the time being, and council, or any of them, at any time or times hereafter, to make or enact any law or laws for the said province, without the consent, act and concurrence of the general assembly: And if the governor for the time being, his heirs or successors, and council, or any of them, shall attempt to make or enact any such law or laws, of him or themselves, without the consent, act and concurrence of the general assembly; that from thenceforth, he, they, or so many of them, as shall be guilty thereof, shall upon

A. D. 'upon legal conviction, be deemed and taken for 1680. 'enemies to the free people of the faid province; and fuch act so attempted to be made, to be of no force.

fine, to be chosen as aforefaid, as the representatives of the people, shall not be prorogued or diffolved, before the expiration of one whole year, to commence from the day of their election, without their own free consent.

6. That it shall not be lawful for the governor of the said province, his heirs or successors, for the time being, and council, or any of them, to levy or raise any sum or sums of money, or any other tax whatsoever; without the act, consent and concurrence of

the general Affembly:

7. That all officers of state or trust, relating to the faid Province, shall be nominated and elected by the general free assembly for the time being, or by their appointment; which officer and officers, shall be accountable to the general free assembly, or to such as the said assembly shall appoint.

6 8. That the governor of the province aforesaid, his heirs or successors, for the time being, or any of them, shall not send ambassadors, or make treaties, or enter into alliances, upon the public account of the said province, without the consent of the said general

free affembly.

'9. That no general free affembly hereafter to be chosen by the free people of the province aforesaid, fhall give to the governor of the said Province for the time being, his heirs or successors, any tax or custom for longer time than for one whole year.

and worship towards God, shall be granted to all people within the province aforesaid, who shall live peaceably, and quietly therein; and that none of the free people of the said province, shall be rendered uncapable of office in respect of their faith and worship.

Upon the governor's acceptance and performance of the proposals herein before expressed, we the general free affembly, proprietors and freeholders of the province of West New-Jersey aforesaid, do accept and receive Samuel Jenings, as Deputy Governor. In testimony whereof I have hereunto put my hand and seal, the day and year above written,
Samuel Jenings, Deputy Governor.

Subscribed alfo Thomas Olive, Speaker.

This affembly was held from the 21ft till the 28th of November, and paffed fix and thirty laws (befide the above) many of which were repealed in a few years afterwards: Some of them were in fubitance, --- That it hould be the buliness of the governor and commitfioners to fee that all courts executed their offices, and to punish such officers as should violate the laws :---That lands legally taken up and held, planted and possessed feven years, should not be subject to alteration: -That all officers of truft should subscribe to do equal hight and justice :- That no person should be condemned or hurt, without a trial of twelve men; and that in triminal cases, the party arraigned to except against thirty-five, of more upon valid reasons :-- That in every court, three justices or commissioners at least, to sit and write the jury, in cases of law, and pronounce the judgment of the jury :--- That falle with nesses be fined, and difabled from being after admitted in evidence, or into any public office in the province ? -That persons prosecuting for private wrong (murder treason and theft excepted) might remit the penalty or punishment either before or after condemnation ; -That juries should be summoned by the sheriff, and none be compelled to fee an attorney to plead his cause:---That all wills should be first proved and registered, and then duly performed :--- That upon persons dying intestate, and leaving a wife and child,

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or children, the governor and commissioners for the time being, were to take fecurity, that the effate should be duly administred, and the administrator to fecure two thirds for the child or children, the other to the widow; where there was no children, one moiety or half the estate, was to go to the next of kin, the other half to the widow; always provided, fuch estate exceeded one hundred pounds; otherwise the widow to have the whole; and in cases of leaving children, and no provision, the charge of bringing them up, to be paid out of the public flock :---- That felons should make restitution four-fold, or as twelve of the neighbourhood should determine; and such a hurt or abuse the person of any, be punished according to the nature of the offence:---- That wholeever prefumed, directly or indirectly, to fell any ftrong liquors, to any Indian or Indians, thould forfeit for every such offence, the sum of three pounds :--- That ten men from Burlington, and ten from Salem, should be appointed to lay out and clear a road from Burlington to Salem, at the public expence :-- That two hundred pounds should beequally levyed and appropriated for the charges of government, upon the feveral tenths, twenty pounds with a every man to be affeffed according to his effate; and all handicrafts, merchants and others, at the difcretion of the affeffors: Persons thinking themselves aggriered, had the liberty of appealing to the commissioners of the tenth they belonged to. These and other laws agreed on, the commissioners next fixed the following method for regulation of lands.

The methods of the commissioners for settling and regulation of lands.

Regulation fioners nominated, elected and chosen by the general of lands. free affembly, proprietors and freeholders of the province

province of West-New-Jersey, the 23d day of November last past, for the settling and regulating of lands, and other concerns within the said province; do by and with the approbation and consent of the governor of the said province, and council, in pursuance of the said trust in us reposed, hereby fully agree upon these rules and methods herein after sollowing: (that is to say)

'I. That the surveyor shall measure the front of the river Delaware, beginning at Assurption creek, and from thence down to Cape May, that the point of the compass may be found for the running the parti-

'tion lines betwixt each tenth.

'2. That each and every tenth, or ten proprieties, 'shall have their proportion of front to the river Delaware, and so far back into the woods as will make or contain fixty-four thousand acres for their first settlement, and for the sub-dividing the Yorkshire and London two tenths.

- '3. To allow three thousand and two hundred acres where the parties concerned please to chuse it within their own tenth, to be taken up according to the rules or methods following, viz. One eighth part of a propriety, and so for smaller parts, to have their full proportion of the said land in one place (if they please) and greater purchasers or shares not to exceed five hundred acres, to one settlement.
- '4. All lands so taken up and surveyed, shall be seated within six months after it is so taken up; and if the same shall not be seated within the said time, then such choice and survey shall be void, and the same lands shall be free for any other purchaser to take up; provided he or they so taking up the same, do, or shall seat it, within one month after it is so taken up.
- '5. That no person or persons shall take up lands on both sides of a creek, to one settlement, except the commissioners for the time being, shall see good cause for their so doing.

6. That

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6. That no person or persons shall have more than forty perches front to the river, or navigable creek. for each and every one hundred acres, except it fall upon a point, fo that it cannot otherwise be avoided: and in fuch cases it shall be left to the discretion of the commissioners then for the time being.

7. That all lands be laid out on straight lines, that no vacancies be left between lands, but that they be ioined one feat to another, except the commissioners then for the time being, shall for good causes order it

otherwise.

8. That all persons shall take their just proportions of meadow, which shall be laid forth at the discretion of the commissioners then for the time being.

o. That all persons who are already seated, shall have liberty to make his fettlement his choice, if he please; provided he or they observe and follow the

rule or method herein prescribed.

10. That every proprietor shall have four hundred acres to a propriety, and fo proportionably to leffer quantities for their town lot, over and above their aforesaid three thousand two hundred acres; which 'may be taken any where within their own tenth,

11. That no person or persons who have already taken up a town lot, shall have liberty to leave it, and take a lot elsewhere, but shall keep the same he hath

either within or without the town bounds.

taken up, as his town lot.

12. That Thomas Wright shall keep his fettlement, containing four hundred acres; and that the commisfioners for Yorkshire side, shall allow to the town bounds, three hundred acres, to be taken up adjoining to the town bounds, on Lazy Point, in lieu thereof.

13. That no purchaser shall take up more land within the town bounds, than belongs to his town lot,

by virtue of his purchase.

14. That no person or persons (who are not purchasers to whom town lot or lots are given) shall difpose of, or fell his or their faid lot or lots of land, · from

from their house or houses respectively; and that if any such person or persons as aforesaid, shall dispose of, or sell such said lot or lots apart from his or their said house or houses, then such said sale of lot or lots shall be void and of no effect; and the same lot or lots shall from thence become forfeit, to the use of the town of Burlington, to be disposed of therein, at the discretion of the commissioners then for the time being.

'15. That no person or persons from hence forward, shall take up any land, without special order from two or more of the commissioners for the time

being, first had and obtained.

'16. That all and every settlement and settlements already made, which are not consonant and agreeable to the rules and methods aforesaid, shall be liable to regulation, according to the said rules and methods.

17. That the proprietors who are yet remaining in England, shall have notice, that we find it necessary for the speedy fettlement of this province, and for the interest of all concerned therein, to allow to every propriety as aforefaid, three thousand two hundred 'acres for our first choice; and in case much people fhall come, as may be reasonably expected, who have 'purchased no land in England, and defire to settle amongst us; that then we referve liberty to take up fo much land more as shall fall to every propriety, 'not exceeding five thousand and two hundred acres, which was allowed to us for our first settlement; Provided nevertheless, that none shall take up any proportion of land, but as they shall settle it, or 'cause it to be settled; which is to be done after the 'aforesaid three thousand two hundred acres shall be 'justly taken up and settled.

'18. That all publick highways shall be set forth, at any time or times hereafter, at the discretion of the commissioners for the time being, in or through any lands taken up, or to be taken up; allowing the owners of such lands where such publick highways.

fhall

A. D. 1681. 's shall be laid forth, reasonable satisfaction at the discretion of the commissioners, in lieu thereof.

'agreed by the authority aforesaid, that the rules and methods herein before agreed on, shall not make void or disannul, all or any settlement or settlements heretofore made, in the Yorkshire tenth, who have seated according to a former agreement, viz. Not having taken up more than sifty perches for each and every hundred acres on the river or navigable creek, and having kept their due breadth and bounds from the river or creek.

Signed and sealed the 5th December, 1681, by Samuel Jenings, governor, Thomas Olive, Thomas Budd, Robert Stacy, Benjamin Scott, Thomas Gardiner, Daniel Wills, Mahlon Stacy, Thomas Lambert.

any lands, within the first and second tenth in this province, shall bring in their deeds or writings, to shew their title to such lands as they have taken up, to Benjamin Scott, Robert Stacy, Thomas Budd, and Thomas Gardiner, on or before the twelfth day of this instant January, next ensuing the day of the date hereof.

the date hereof.

'21. That all person or persons hereaster to take up land within the said first and second tenth, shall first make application to the said Benjamin Scott, Robert Stacy, Thomas Budd, and Thomas Gardiner, or any two of them; and shall also before the said commissioners folemnly declare and aver, upon the penalty of the law of perjury, to pass against them, that the quantity or portion of land contained in their respective Deeds or other Writings, do really and in good conficience, belong and appertain to him or them so requiring a warrant or warrants, for laying forth his or their land; so as the said commissioners may be thereby satisfied with the justness of his or their tide thereto; then, and not before, the said commissioners, or

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or any two of them, shall and may grant out a warrant to the surveyor or his deputy, to lay out and survey the respective proportion of land to him or them due and appertaining, as aforesaid; enjoining the surveyor or his deputy, to make return of his said warrant and survey, at the next court after such warrant granted, to be held at Burlington; that the same may be registered by order of the said court.

'22. That all proprietors and purchasers, within the said first and second tenths, shall and may have liberty to take his and their full proportions of land as before within is agreed upon, of the first and second choice in one place; provided he or they so doing take not up more than five hundred acres of land in one settlement.

Witness our hands and feals, the 14th day of the eleventh month, 1681.

SAMUEL JENINGS, GOVERNOR.
THOMAS OLIVE,
ROBERT STACY,
THOMAS BUDD,
DANIEL WILLS,
THOMAS GARDINER,
BENJAMIN SCOTT.

It would be vain to pretend to give a particular account of all the different tribes or nations of Indians that inhabited these provinces before the Europeans came among them, there being probably a tribe in some parts, for every ten or twenty miles, which were commonly distinguished by the names of creeks or other noted places where they resided; thus, there were the Assunpink, the Rankokas, the Mingo, the Andastaka.

Indians.

z. Stony Creek. a. Lamikas, or Chichequas, was the proper Indian name; they did nor pronounce ther at all.

b. Indian knowledge about the weather were received topicks of conversation; some of their maxims have been found as generally true, as things of that kind commonly are. If Jacob Taylor intelligence

Andastaka, the Neshamine, and the Shackemaren Indians; and those about Burlington were called the Mantas; but these and others were all of them diffin. guished from the back Indians, who were a more warlike people, by the general name of the Delawares: The nations most noted from home, that sometimes inhabited New-Jersey, and the first settled parts of Penniylvania, were the Naraticongs, on the North fide of Rariton river, the Capitinasses, the Gacheos, the Munseys, the Pomptons, the Senecas and the Maquaas :4 this last was the most numerous and powerful: Different nations were frequently at war with each other, of which hufbandmen fometimes find remaining marks in their fields: A little below the falls of Delaware on the Jerfey fide; at Point-no-point in Pennsylvania, and leveral other places, were banks that have been formerly thrown up

intelligence be right, they also predicted: A sachem of this tribe (he says) being observed to look at the great comet, which appeared the first of October 1680, and asked, what he thought was the meaning of that prodigious appearance? answered gravely, It signifies that we Indians shall melt away, and this country be inhabited by another people. How this Indian came by his knowledge without the learned Whiston's astronomical tables, or whether he had any knowledge, is not so material. He will however be allowed as good a right to pretend to it, when the event is considered, as the other had in his conjectures concerning the cause of Noah's slood: This at least till the regularity of the comets motions are better known. But we see greater names have had their prognosticating sentiments concerning them. Hence Dr. Young in his paraphrak on that chapter of Job, where the almignty challenges the patriant on the weakness of man,

Who drew the comet out to such a fize
And pour'd his staming train o'er half the skies?

Did thy resentment hang him out, does he
Glare on the nations, and denounce from thee?

or Mantau, from a larger tribe that refided there; the Indians were probably both of the same Stock.

d. The Five Nations before the fixth was added; but few of these had their residence in New-Jersey: They are supposed to have been sometimes in fishing seasons among the others here; the Durch called them Mahakuase.

for intrenchments, against nineursions of the meight bouring Indians, who in their canoes used formetimes to go in warlike bodies from one province to another.

Indian

It was cultomary with the Indians of West-Jerley, when they buried their dead, to put family utenfils, bows and arrows, and fometimes money (wampum) into the grave with them; as tokens of their affection. When a person of note died far from the place of his own reli- customs. dence, they would carry his bones to be buried there; they washed and perfumed the dead, painted the face, and followed fingly; left the dead in a fitting posture, and covered the grave pyramidically: They were very curious in preferving and repairing the graves of their dead, and pensively visited them; did not love to be asked their judgment twice about the same thing: They generally delighted in mirth, were very fludious in observing the virtues of roots and herbs, by which they ufually cured themselves of many bodily diftempers, both by outward and inward applications: They besides frequently used sweating, and the cold bath. & They had an aversion to beards, and would not suffer them to grow; but plucked the hair out by the roots: The hair of their heads was black, and generally shone with bear's fat, particularly that of the women, who tied it behind in a large knot; fometimes in a bag. They called persons and places, by the names of things remarkable, or birds, beafts, and fish; as Pea-bala, a duck; Cau-bawuk, a goofe; Quink-Quink, atit; Pulluppa, a buck; Shingas, a wild-cat; and they observed

e. The manner was to first inclose the patient in a narrow cabbin, in the midst of which was a red hot stone, this frequently wet with water, occasioned a warm vapour; the patient sufficiently wes with this and his own sweat, was hurried to the pext creek or river, and plunged into it; this was repeated at often as necessary, and sometimes great cures performed. But this rude method at other times killed, notwithstanding the hardy natures of the patients; especially in the small pox and other European diforders.

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observed it as a rule, when the rattle-snake gave notice by his rattle before they approach'd, not to hurt him: but if he rattled after they had paffed, they immediately return'd and kill'd him. They were very loving to one another; if several of them came to a christian's house. and the mafter of it gave one of them victuals and none to the rest, he would divide it into equal shares amongst his companions, if the christians visited them. they would give them the first cut of their victuals: they would not eat the hollow of the thigh of any thing they killed. Their chief employment was hunting, fishing, and fowling; making canoes, bowls and other wooden and earthen ware; in all which they were, confidering the means, ingenious: In their earther bowls they boiled their water. Their women's business chiefly confifted in planting Indian corn, parching or roasting it, pounding it to meal in mortars, or breaking it between stones, making bread, and dressing victuals; in which they were fometimes observed to be very neat and cleanly, and fometimes otherwise: They also made mats, ropes, hats and baskets, (fome very curious) of wild hemp and roots, or splits of trees: Their young women were originally very modest and shame-faced, and at marriageable ages diffinguished themselves with a kind of work'd mats, or red or blue bays, intersperfed with fmall rows of white and black wampum, or half rows of each in one, fastened to it, and then put round the head, down to near the middle of the forehead: Both young and old women would be highly offended at indecent expressions, unless corrupted with drink. The Indians would not allow of mentioning the name of a friend after death: They fometimes streaked their faces with black, when in mourning; but when their affairs went well, they painted red: They were great observers of the weather by the moon; delighted in fine cloaths; were punctual in their bargains, and observed this so much in others, that it was very difficult for a person who

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who had once failed herein, to get any dealings with them afterwards. In their councils they feldom or never interrupted or contradicted one another, till two of them had made an end of their discourse; for if ever so many were in company, only two must speak to each other, and the rest be filent till their turn: Their language was high, lofty, and fententious: Their way of counting was by tens, that is to fay, two tens, three tens, four tens, &c. when the number got out of their reach, they pointed to the stars, or the hair of their heads. They lived chiefly on maze, or Indian corn roafted in the ashes, sometimes beaten and boiled with water, called homine; they also made an agreeable cake of their pounded corn; and raised beans and pease; but the woods and rivers afforded them the chief of their provisions: They pointed their arrows with a sharpened flinty ftone, and of a larger fort, with withs for handles, cut their wood; both of these sharpened stones are often found in the fields. Their times of eating were commonly morning and evening; their feats and tables the ground: They were naturally referved, apt to refent, to conceal their resentments, and retain them long; they were liberal and generous, kind and affable to the English : They were observed to be uneasy and impatient in sickness for a present remedy, to which they commonly drank a decoction of roots in fpring water, forbearing flesh, which if they then eat at all, it was of the female. They took remarkable care of one another in fickness, while hopes of life remained; but when that was gone, fome of them were apt to neglect the patient. government was monarchical and fuccessive, and mostly of the mother's fide, to prevent a spurious issue. f. They commonly

f. That is, the children of him now king, will not succeed, but his brother by the mother, or children of his fister, whose sons (and after them the male children of her daughters) were to seign; for no woman inherited.

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commonly washed their children in cold water as soon as born; and to make their limbs straight, tied them to a board, and hung it to their backs when they travelled: they usually walked at nine months old: Their young men married at fixteen or feventeen years of age, if by that time they had given fufficient proof of their manhood, by a large return of fkins: The girls married about thirteen or fourteen, but ftay'd with their mothers to hoe the ground, and bear burthens, &c. for fome years after marriage: The women, in travelling, generally carried the luggage: The marriage ceremony was sometimes thus; the relations and friends being present, the bridegroom delivered a bone to the bride, The an ear of Indian corn to him, meaning that he was to provide meat, fhe bread: It was not unusual notwithstanding, to change their mates upon difagreement; the children went with the party that loved them best, the expence being of no moment to either; in case of difference on this head, the man was allowed the first choice if the children were divided or there was but one. Very little can be faid as to their religion; much pains were taken by the early christian fettlers, and frequently fince, to inform their judgments respecting the use and benefit of the christian revelation, and to fix restraints; but generally with unpromifing fuccess, tho' instances have now and then happened to the contrary: They are thought to have believed in a God and immortality, and feemed toain at publick worship; when they did this, they some times fat in feveral circles one within another; the action confifted of finging, jumping, shouting and dancing; but mostly performed rather as something handed down from their ancestors, than from any knowledge or enquiry into the ferious parts of its origin; They faid the great king that made them, dwelt in 4

glorious country to the fouthward, and that the fpirits of the best should go there and live again: Their most folemn worship was the facrifice of the first fruits, in which they burnt the first and fattest buck, and feathed together upon what elfe they had collected; but in this facrifice broke no bones of any creature they eat; when done, they gathered and buried them very carefully these have since been frequently ploughed up: They diffinguished between a good and evil man-etta, or fpirit; worshiped the first for the good they hoped; and fome of them are faid to have been flavishly dark in praying to the last for deprecation of evils they feared; but if this be true in a general fende, some of the tribes much conceal'd it from our fettlers : They did justice upon one another for crimes among themselves, in a way of their own; even murder might be attoned for by feafts, and prefents of wampum; the price of woman kill'd was double, and the reason, because she bred children, which men could not do .--- If fober they rarely quarrelled among themselves; they lived to fixty, feventy, eighty, and more, before rum was introduced, but rarely fince: Some tribes were commendably careful of their aged and decrepid, endeavouring to make the remains of life as comfortable as they could; it was pretty generally fo, except in desperate decays; then indeed as in other cases of the like kind, they were sometimes apt to neglect them. Strict observers of property, yet to the last degree, thoughtless and inactive in acquiring or keeping it: None could excel them in liberality of the little they had, for nothing was thought too good for a friend; a knife, gun, or any fuch thing given to one, frequently passed through many bands: Their houses or wig-warms were sometimes together in towns, but mostly moveable, and occasionally fixed near a fpring or other water, according to the conveniencies for hunting, fishing, basket making, or other business of that fort, and built with poles laid on forked flicks in

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the ground, with bark, flags or bushes on the top and fides, with an opening to the fouth, their fire in the -middle; g. at night they flept on the ground with their feet towards it; their cloathing was a coarse blanket or fkin thrown over the shoulder, which covered to the knee, and a piece of the fame tied round their legs. with part of a deer skin sewed round their feet for shoes; as they had learned to live upon little, they feldom expected or wanted to lay up much: b. They were also moderate in asking a price for any thing they had for fale: When a company travelled together, they generally followed each other in filence, scarcely ever two were feen by the fide of one another; in roads the man went before with his bow and arrow, the woman after, not uncommonly with a child at her back, and other burdens besides; but when these were too heavy, the man affifted. To know their walks again, in unfrequented woods, they heaped stones or marked trees.

In person they were upright, and strait in their simbs, beyond the usual proportion in most nations; their bodies were strong, but of a strength rather sitted to endure hardships than to sustain much bodily labour, very seldom crooked or deformed; their features regular; their countenances sometimes sierce, in common rather resembling a jew than christian; the colour of their skin a tawny reddish brown; the whole fashion

g. From the years 1300 to 1500, in the towns of France, Germany, and England, they had scarce any but thatched house; and the same might be said of the poorer towns in Italy: And altho' those countries were over-run with woods, they had not a yet learned to guard against the cold, by the means of chimney, (the kitchen excepted) an invention so useful and ornamental of our modern apartments. The custom then was, for the whole family to sit in the middle of a smoaky hall, round a large store, the funnel of which passed through the cieling. Anderson's bis and chronological deduction of commerce.

b. Sir William Temple somewhere says, an Indian once put the question to a christian, to give him a reason, why he should labour hard all his days to make his children idle all theirs?

fashion of their lives of a piece; hardy poor and fouglid : When they began todrink, they commonly continued it as long as the means of procuring it lasted. In drink they often lay exposed to all the inclemencies of weather, which introduced a train of new diforders among them : They were grave, even to fadness upon any common, and more for upon ferious occasions; observant of those in company, and respectful to the old; of a temper cool and deliberate; never in hafte to fpeak, but waited for a certainty, that the person who spoke before them had finished all he had to fay: They feemed to hold European vivacity in contempt, because they found such as came among them, apt to interrupt each other, and frequently speak all together: Their behaviour in publick councils, was strictly decent and instructive, every one in his turn was heard, according to rank of years or wisdom, or services to his country: Not a word, a whilper, or a murmur, while any one fpoke; no interruption to commend or condemn; the younger fort were totally filent. They got fire by rubbing wood of particular forts, (as the antients did out of the ivy and bays) by turning the end of a hard piece upon the fide of one that was foft and dry; to forward the heat they put dry rotten wood and leaves; with the help of fire and their stone axes, they would fall large trees, and afterwards scoop them into bowls, &c. From their infancy they were formed with care to endure hardships, to bear derision, and even blows patiently; at least with a composed countenance: Though they

i. Uncultivated as these people are, in many of their practices, when it is considered how others have refined from circumstances equally low and fordid, if not quite so savage; it seems to open a door of hope with regard to some of these. If we look into Europe, we shall find that even in their present state, they are not an absolutely singular character. Vid. Hist. of Ireland, by F. Warner, L. L. D. lately published, &c.

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were not easily provoked; it was penerally hard to be appealed whenever it happeneda Liberty in its fullest extent, was their ruling passion to this every other confideration was subservient: their children were train'd up fo as to cherish this disposition to the utmost; they were indulged to a great degree feldom chaftifed with blows, and rarely chided; their faults were left for their rason and habits of the family to correct; they faid these could not be great before their reason commenced; and they seemed to abhor a flavish motive to action, as inconsistent with their notions of freedom and independency even ftrong perfuation was industriously avoided, as hordering too much on dependence, and a kind of violence offered to the will : They dreaded flavery more than death: They laid no fines for crimes; for they had no way of exacting them: The attonement was voluntary: Every tribe had particulars in whom they repoled a confidence, and unless they did something unworthy of it they were held in respect: What were denominated kings, were fachems diffinguished among these; the respect paid them was voluntary, and not exacted or looked for, nor the omition regarded : The fachems directed in their councils, and had the chief disposition To help their memories in treaties, they had belts of black and white wampum; with the closed their periods in speeches, delivering more of less according to the importance of the matter treated of; this ceremony omitted, all they fald paffed for nothing: They treasured these belts when delivered to them in treaties, kept them as the records of the nation, to have recourse to upon future contests; governed by customs and not by laws, they greatly revered those of their ancestors, and followed them 6 implicitly, that a new thought or action but feldom intruded. They long remembered kindnesses, families

with, entertain and treat them hospitably, or even fairly in dealings, if no great kindness was received, were sure of their trade: This also must undoubtedly be allowed, that the original and more uncorrupt, very seldom forgot to be grateful, where real benefits had been received. And notwithstanding the stains of persidy and cruelty, which in 1754, and since, have disgraced the Indians on the frontiers of these provinces, even these by an uninterrupted intercourse of seventy years, had on many occasions, given irrefragable proofs of liberality of sentiment, hospitality of action, and impressions, that seemed to promise a continuation of better things: But of them enough at present.

Among

k. Witness the first reception of the English, the purchases afterwards, their former undeviating candor at treaties in Pennsylvania; and other incidents.

Extract of a letter from C. W. Indian interpreter of a neighbouring government, to C. S. printer.

I write this to give an account of what I have observed amongst the Indians, in relation to their belief and considence in a divine Being, according to the observations I have made from 1714, in time of my youth, to this day. If by the word religion, people mean an affent to certain creeds, or the observance of a set of religious duties, as appointed prayers, singing, preaching, baptism, &c. or even heathenish worship; then it may be faid, the Five Nations and their neighbours have no religion; but if by religion, we mean an attraction of the soul to God, whence proceeds a considence in, and hunger after the knowledge of him; then this people must be allowed to have some religion amongst them, not withstanding their some tracts of a considence in God alone, and even sometimes (though but seldom) a vocal calling upon him: I shall give one or two instances of this, that fell under my own observation.

In the year 1737, I was fent, for the first time, to Onondago; at the desire of the governor of Virginia; I set out the latter end of February, very unexpectedly, for a journey of 500 English miles, through a wilderness where there was neither road nor path, and at such a time of year, when creatures could not be met with for food; there were a Dutchman and three Indians with me. When we were 150 miles on our journey, we came into a narrow valley, about half a mile broad, and thirty long, both sides of which were encompassed with high mountains, on which the snow lay about three seet deep; in it ran a stream of

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Among a people so immediately necessary to each other, where property was little, and the anxiety of increasing

water, also about three feet deep, which was so crooked that it always extended from one fide of the valley to the other; in order to avoid wading fo often through the water, we endeavoured to pass along on the slope of the mountain; the fnow three feet deep, and fo hard froze on the top, that we could walk upon it: We were obliged to make holes in the fnow, with our hatchets, that our feet might not flip down the mountain; and thus we crept on. It happened that the old Indian's foot flipt, and the root of a tree by which he held, breaking, he flid down the mountain as from the roof of an house; but happily was stopt in his fall, by the string which fastened his pack hitching to the stump of a small tree. The two Indians could not come to his aid, but our Dutch fellow traveller did; and that ' not without visible danger of his own life: I also could not put a foot forward, till I was help'd; after which we laid hold of the first opportunity to go down again into the valley; which was one till after we laboured hard for half an hour, with hands and feet: We had observed a tree that lay directly off from where the Indian fell; and when we were come down into the valley again, we went back about one hundred paces, where we saw, that if the Indian had slip'd four or five paces further, he would have fell over a rock one hundred feet perpendicular, upon craggy pieces of Rocks below. The Indian was affonish'd, and turn'd quite pale, then with out stretched arms and great earnestness, spoke these words, I thank the great lord and governor of this world, in that he has had mercy upon me, and has been willing that I found · live longer; which words I at that time fat down in my journal: . This happened the 25th of March, 1737.

'The oth of April following, while we were yet on the journey, I found myself extremely weak, through the satigue of so longa 'journey, and the cold and hunger I had suffered; and there having fallen a fresh snow of about twenty inches deep, also being yet three days journey from Onondago, in a frightful wildernels; my fpirit failed, my body trembled and shook; I thought I should fall down and die; I step'd aside, and sat me down under a tree, expecting there to die: My companions foon missed me; the Indians came back, and found me fitting there: I told them in one word, I would go no further, I would die there. They remained filent a while, at last the old Indian said, My dear companion, the bast hitherto encouraged us, wilt thou now quite give up? Remembel that evil days are better than good days; for when we fuffer mut we do not fin; and fin will be drove out of us by fuffering; be good days cause men to fin, and God cannot extend his mercy to thes; but contrarywise, when it goeth evil with us, God bath compassion upon us.' These words made me ashamed; I rose up, and trave-· led on as well as I could.

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increasing it less; the intercourse naturally became free and unfettered with ceremony : Hence every one had his eye upon his neighbour; mifunderstandings and mistakes were easily rectified. No ideas of state

The next year I went another journey to Onondago, in comthat an Indian came to us in the evening, who had neither shoes, flockings, shirt, gun, knife, nor hatchet; in a word, he had nothing but an old torn blanket, and some rags. Upon enquiring whither he was going? he answered to Onondage. I knew him, and asked how he could undertake to go a journey of three hundred miles, fo naked and unprovided; having no provisions, nor any arms to kill creatures, for his fustenance? he answered, he had been amongst enemies, and had been obliged to fave himfelf by flight, and so had lost all: This was true in part; for he had disposed of some of his things amongst the Irish, for strong liquors. Upon further talk, he told me very chearfully; that God fed every thing which had life, even the rattle fnake itself, tho it was a bad creature; and that God would also provide in such a manner, that he should come alive to Onondago; he know for certain that he should go there; that it was visible God was with the Indians in the wilderness, because they always cast their care upon bim; but that contrary to this, the Europeans always carried bread with them. He was an Onondago, his name was Anontagketa: The next day we travelled in company; and the day following, I provided him with a knife, hatchet, flint, and tinder, also shoes "and stockings, and fent him before me to give notice to the council at Onondago, that I was coming; which he truly performed; being got thither three days before us.

'Two years ago I was fent by the governor to Shamokin, on account of the unhappy death of John Armstrong, the Indian trader: After I had performed my errand, there was a feaft pre-'pared, to which the governor's messengers were invited: There were about one hundred persons present, to whom (after we had in great filence devoured a fat bear) the eldest of the chiefs made 'a speech, in which he said, that by a great missortune, three of their brethren the white men, had been killed by an Indian; that nevertheless the fun was not set, (meaning there was no war) it bad been only somewhat darkened by a small cloud, which was now done away; be that had done evil was like to be punished, and the land to remain in peace; therefore he exhorted his people to thankfulness to God; and thereupon began to fing with an awfal folemnity, but without expressing any words; the others accom-Indian, with great earnestness, spoke these words, Thanks, thanks be to thee, thou great lord of the world, in that thou baft again caused the sun to shine, and hast dispersed the dark cloud; the Indiane

are thine.

.A. D.

or grandeur; no homage of wealth, office, birth, rank or learning; no pride of house, habit, or furniture; very little emulations of any kind to interrupt: and fo much together, they must be friends, as far at least, as that term could be properly applied to them; this was general in some of the tribes: Attachments of particulars to each other were constant and steady; and in some instances far exceeding what might be expected. Companies of them frequently got together to feaft, dance, and make merry; this sweetned the toils of hunting; excepting these toils, and the little action before described, they scarcely knew any: A life of diffipation and eafe, of uncertainty and want, of appetite, fatiety, indolence and fleep, feemed to be the fum of the character, and chief that they aim'd at.

Notwithstanding their government was successive, it was, for extraordinary reasons, sometimes ordered otherwise; of this there is an instance in the old king Ockanickon, who dying about this time at Burlington, declared himself to this effect:

'It was my defire, that my brother's fon Iahkursoe, 's should come to me, and hear my last words; for him

have I appointed king after me.

'My brother's fon, this day I deliver my heart into your bosom; and mind me. I would have you love what is good, and keep good company; refuse what is evil and by all means avoid bad company.

what is evil and by all means avoid bad company.

'Now having delivered my heart into your bosom,

I also deliver my bosom to keep my heart in; besure
always to walk in a good path, and if any Indians
should speak evil of Indians or christians, do not join
in it, but look at the sun from the rising of it to the
fetting of the same: In speeches that shall be made
between the Indians and the christians, if any wrong
or evil thing be spoken, do not join with that; but

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you speak first; be silent and let all speak before you, and take good notice what each man speaks, and when you have heard all, join to that which is good.

Brother's fon, I would have you cleanse your ears, and take all foulness out, that you may hear both good and evil, and then join with the good and refuse the evil; and also cleanse your eyes, that you may see good and evil, and where you see evil, do not join with it, but join to that which is good.

' Brother's son, you have heard what has passed; fland up in time of speeches; stand in my steps, and follow my speeches; this do, and what you defire in reason, will be granted: Why should you not follow my example? I have had a mind to be good and do good, therefore do you the fame: Sheoppy and Swampis were to be kings in my stead, but understanding by my doctor, that Sheeppy fecretly advised him not to cure me, and they both being with me at John 'Hollinsbead's house, I myself saw by them, that they were given more to drink, than to take notice of my 'last words; for I had a mind to make a speech to them, and to my brethren, the English commissioners; therefore I refuse them to be kings after me, and have now chosen my brother's fon lahkursoe in their ' flead to fucceed me.

'all, both *Indians* and christians, as I have been; I am very weak, otherwise I would have spoken more.'

After the Indian had delivered this counsel to his nephew, T. Budd, one of the proprietors, being present, took the opportunity to remark, that there was a great God, who created all things; that he gave man an understanding of what was good and had; and after this life rewarded the good with blessings, and the

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bad according to their doings: He answered, it is very true, it is fo; there are two ways, a broad and a straight way; there are two paths, a broad and a straight path; the worst and the greatest number go in the broad, the best and fewest in the straight path. This king dying foon afterwards, was attended to his grave in the Quakers burial place in Burlington, with folemnity by the Indians in their manner, and with great respect by many of the English settlers; to whom he had been a fure friend.

## CHAP. IX.

Another ship arrives at West-Jersey: Proceedings of the general affembly of West Jersey: Sir George Carteret's death: Conveyance to the twelve eastern proprietors: Their proposals and regulations in several respects; particularly in disposing of lands and building a town at Ambo Point: The twelve proprietors each take a partner, and thence are called the twenty-four; to whom the D. of York makes a third and last grant: The twenty-four establish the council of proprietors of East Jersey, on the footing it now is: A general view of the improvements in East Jersey, in 1682: A compendium of some of the first laws passed at Elizabeth. Town: Doubts started whether the government of West Jersey was granted with the soil: Jenings' continued governor of West Jersey; and laws now passed there.

thip with passengers to Welt-Jersey.

A large IN the year 1682, a large ship of 550 tuns burthen, arrived at West Jersey, which got a-ground in Delaware bay; where, after laying eight days, by a favourable wind and tide, got off; and coming up the river, landed her passengers, being three hundred and

fixty

fixty in number, between Philadelphia and Burlington on the Jersey shore: Their provisions being nigh gone, they fent ten miles to an Indian town near Rankokus creek, for Indian corn and peafe: The king of this tribe being then there, treated them kindly, and directed fuch Indians as had provisions, to bring it in next morning, who accordingly brought plenty; which being delivered and put in bags, the messengers took leave of the king; who kindly ordered some of the Indians to carry their bags for them to their canoes.

The affembly of West-Jersey having, at their last Meetings of the fitting, adjourn'd to the first of fecond month this year, West-Jermet; but not being a full house, they adjourned to the sey Assemfourteenth, and then dissolved themselves without doing bly. any business: Another being called, fat from the second to the eleventh of the first month following; the members returned by the sheriff for the respective tenths, to ferve in this affembly, were, Thomas Olive, speaker, Mahlon Stacy, Joshua Wright, John Lambert, Thomas Lambert, William Emley, Godfrey Hancock, Daniel Leeds, Thomas Wright, Samuel Borden, Robert Stacy, Thomas Budd, Daniel Wills, fen. Thomas Gardiner, John Crips, John White, John Chaffin, Bernard Davenish, Isaac Marriott, William Peachy, William Cooper, Mark Newby, Thomas Thackery, Robert Zane, James Nevil, Richard Guy, Mark Reeves, Richard Hancock, John Smith, John Pledger, Edward Wade, George Deacon, and Samuel Hedge: Hitherto the members had been chosen by the electors from all the tenths indifcriminately; but this affembly declared it their judgment, and the judgment of those they represented, that the most regular method for preserving the liberty and property of the people by a free affembly, was, that fuch of the ten proprieties, as were now peopled, should each chuse ten representatives (and the others also as they became peopled) and refolving,

A. D. 1682. refolving, that twenty-four, the speaker one, should make the quorum, they chose the council, justices, commissioners for laying out land, and other officers.

This done, the governor, council and affembly, passed sundry laws; some of which were in substance, that each of the ten proprietors should have liberty to sell as far as sive hundred acres of land, within their respective tenths, or take such other expedient as they should judge sit, for defraying publick charges, for the tenths respectively; to which purpose, Mahlon Stacy and Thomas Lambert were appointed within the first or Yorkshire tenth; Thomas Budd and Thomas Gardiner, for the second or London tenth; William Cooper and Mark Newby for the third or Irish tenth, and Samuel Jenings and Thomas Budd, within the remaining six tenths: "That the three pounds sine, formerly imposed on such as sold rum or other strong

liquor

I. Those now chosen were,

Councellors. Thomas Olive, Robert Stacy, Mahlon Stacy, William Biddle, Thomas Budd, John Chaffin, James Nevill, Daniel Wills, Mark Newby, Elias Farre.

Justices for Burlington. William Biddle, Robert Stacy, Elias Fare, Mahlon Stacy, John Chaffin, Thomas Budd, Benjamin Scott, John Cripps, Thomas Thackery.

For Salem. James Nevill, George Deacon, Richard Hancock, Edward Wade.

Commissioners. Elias Farre, William Biddle, Thomas Budd, Thomas Gardiner, Mark Newby, James Nevill, Thomas Olive, Robert Stacy, Benjamin Scott, William Cooper.

Sheriff for Burlington. John White. For Salem. Thomas Woodruffe.

Provincial clerk and recorder, for Burlington. Thomas Revel.

For Salem. Samuel Hedge.

Surveyor. Daniel Leeds.

Constables for Yorkshire tenth. Robert Schooley, John Pancoast.

Fr London tenth. John Bourten, William Brightwen.

Fr the third tenth. Thomas Sharp.

m. As for J. Fenwick, who own'd the other tenth, they from here to have left him to his own concerns.

liquor to the Indians, should go one half to the informen, the other to the publick flock, where the offence was given; and that every foreigner offending herein, should forfeit five pounds, to be disposed of in like manner:-- That for the more convenient payment of small sums of money, Mark Newby's coppers, called Patrick's half-pence, .. fhould pass as half-pence current pay; provided he gave security to the speaker, for the use of the general assembly for the time being, that he, his executors and admifirators would change them on demand, and provided none were obliged to take more than five shillings in one payment :--- That for preventing clandestine and unlawful marriages, justices should have power to folemnize them, the parties having first published their intentions fourteen days in some publick place appointed for that purpose; any justice presuming to marry without the consent or knowledge of parents or trustees (if such consent could be reasonably obtained) was to be fined at the discretion of the general assembly; of which marriage the register was to make publick entry of the day it was folemnized; the births of children, and decease of all persons, were also to be entered in the public register of the respective tenths; and for preventing differences between mafters and fervants, where no covenants were made, all fervants were to have, at the expiration of their fervice, according to the custom of the country, ten bushels of corn, necessfary apparel, two hoes and an ax:--- That all fervants of full age, coming into the province without indentures, or other agreements, should serve four years, from the ships entry, (to take which entries custom house officers were before appointed) and that all under the age of one and twenty years, who came without indentures

<sup>&</sup>quot;. These were Irish half-pence, a parcel of which Newby had brought in with him.

A. D. indentures, should within three months after arrival. be brought to the court, in the district where the party refided: which court was to appoint the time of fervitude: --- That for preventing deceits, lands should pay debts, where personal estates were insufficient:--- That for encouragement of building a faw-mill, one thoufand acres should be fold to William Frampton, to accomodate him with land for that purpose; and more as the governor and commissioners should judge convenient: --- That for better fettling and confirmation of lands, fix of the commissioners, with the governor, should (where there was occasion) make an inspection into fuch as were or should be taken up; that on finding these legally located, they might after publick notice in the court, and no just reason to the contrary, confirm the fame at the next court :--- That there should be four courts of fession held at Burlington and Salem yearly: --- That the twenty pounds formerly granted the governor, the five pounds to the speaker, and the five pounds to the clerk, should be raised by tax; nine pounds fix shillings and eight pence by the Yorkshire, London and Salem tenths each, and forty shillings by the third tenth; the whole, being thirty pounds, was to be delivered to Thomas Budd and Thomas Gardiner, in fkins, corn or money; and the remainder of the two hundred pounds, formerly directed to be raifed to defray the charges of government, to be a debt due from the other proprieties.

The Representatives of West-Jersey continued to be annually chosen, 'till the furrender of the proprietary government, in 1702.0. The council (who were justices

e. In 1699, a law passed for reducing the number of representatives to ten for each of the counties of Burlington and Gloucester, five for Salem, and three for Cape May; but this occasioning difftisfaction, was repealed, and the number enlarged as formerly, vis Burlington, 20. Salem, 19. Gloucester, 20. Cape May, 5.

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uffices ex officio) justices of peace, and inferior officers of government, were chosen by them; the governor was appointed by the proprietors, who governed them by a deputy, till the fucceeding year; when the affembly understanding, that Byllinge, for fome felfish reasons, inclined to turn Jenings out, who had hitherto been deputy governor, to the general atisfaction of the governed; they undertook, by heir choice, to continue him governor of the province, pretending a right to do this, because in the constitutions, power was given to fix parts in seven of the affembly, to make fuch alterations for the public good, (the laws of liberty of conscience, of property, of yearly affemblies, of juries, and of eviience, excepted) as they found necessary; and that to advantage might be taken of fuch judicial proceedngs, as had not been exactly agreeable to the coneffions, they confirmed and ratified them all,

About this time, the fettlers in many parts were di- Diffres'd treffed for food; feveral got the chief of what they for food. at by the gun; which, as powder and shot were someimes very scarce, was at best a precarious supply ...

Sir

p. Instances of their wants are many, and the supplies sometimes mexpected; the family of John Hollinshead, who lived near Ranokas, being unprovided with powder and shot, were in distress, then Hollinshead the younger, then a lad about 13, going through corn field, faw a turkey; throwing a flick to kill it, a fecond came nlight; he kill'd both, and carried them home: Soon after, at the oule of Thomas Eves, he saw a buck; and telling Eves, he set is dogs, who followed it to Rankokas river, then frozen; the uck running on the ice, flid upon his fide; the dogs feized it; Iollinshead coming up with a knife, eagerly jumped upon it; he buck rose with him on his back and sprung forward, his feet preading afunder, flip'd gently down on his belly, and gave Hol-nshead a respite from danger, and opportunity of killing him: y these means two families were supplied with food to their great by. These, and such like instances, in a new settled bountry, how, with the diffress, the relief that sometimes unexpectedly ttends it.

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A. D.

dying in 1679, by will, ordered that province to be fold, to pay his debts; which was done accordingly, by his widow and executors, by indenture of leafe and release, bearing date the 1st and 2d of February, 1681-2, to William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Thomas Wilcox, of London, gold-smith, Ambrose Rigg, John Haywood, Hugh Hartshorne, Clement Plumsted, and Thomas Cooper, their heirs and assigns; who were thence called the twelve proprietors: They being together so seized, in this year published an account of their country, a fresh project for a town, and method of disposing of their lands.

Proposals of the 12 proprietors.

Their plan was popular, and took much, especially among the Scotch, of whom many had already arrived: In this and some of the immediately succeeding year, came many more: Among them was George Keith, who some time after became surveyor general, and was accounted very skilful in the business.

they take 12 partpers.

The twelve proprietors did not long hold the province to themselves, but by particular deeds, took each a partner; their names were, James Earl of Perth, John Drummond, Robert Barclay, Robert Gordon, Aarent Sonmans, Gawen Lawrie, Edward Byllinge, James Braine, William Gibson, Thomas Barker, Robert Turner, and Thomas Warne; these with

q. His will is dated December 5, 1678, he devices to Eduard earl of Sandwich, John earl of Bath, Bernard Grenville, is Thomas Crew, fir Robert Atkins, and Edward Atkins, eq; and their heirs, among other lands, all his plantation of New-Jerk, upon trust and confidence that they, and the furvivors and survivors them, and the heirs and executors of the survivor of them, shoot make sale of all the said premises; and out of the money that shoot upon such sale arise, pay and discharge debts, &c. as therein mentioned.

r. Vid. Appendix. Numb. iii.

oury.

with the other twelve, are fince called the twenty-four proprietors: To them the duke of York made a fresh grant of East New-Jersey, bearing date the 14th of March, 1682. J. 3500 200 della 362 4200 40000

This was the duke's third and last grant of Easts Jersey : foon after which, the twenty-four proprietors, by an instrument under most of their hands, established a council of proprietors; and gave them power to ap. East-Jert point, overfee, and displace all officers necessary for cil of prothe management of their property; to take care of all prietors. lands belonging to the general proprietors; to demife them for terms of years, and to appoint dividends thereof; to examine the rights of the particular proprietors who demanded their shares of those dividends, and to grant warrants to the furveyor general (whom they chuse themselves) for the appropriating the quantity of acres due to fuch thare; to fue trefpaffers upon the general proprietors land; and in general, to manage the affairs which relate to the faid general proprietors: This council always to confift of at least one third of he general proprietors, or their proxies; and to have wo general meetings yearly, at Perth-Amboy; which were held immediately after the supreme courts there, out lately altered to the first Tuesday in April, and meeting. econd in September. In this manner have the lands in

The province of East New-Jersey being now well ttled for the time; its fituation reduced to a general iew, from the accounts then published by fecretary vicolls of New-York, appears to be thus:

East-Jersey been disposed: Since the purchase of the

wenty-four, the constitution as well as the management

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ontinues the fame.

Shrewfbury,

f. The grants being already in the hands of the publick, were of thought necessary to be reprinted here: See grants, concessons, &c. published by A. Leaming, and J. Spicer.

<sup>1.</sup> More full and express than any that went before.

A. D. 1682. Shrewfbury. -

Shrewfbury, near Sandy-Hook, adjoining the river or creek of that name, was already a township, confifting of feveral thousand acres, with large plantation contiguous; the inhabitants were computed to be about 400. Lewis Morris, of Barbados, had iron works and other confiderable improvements here.

town.

Middle- Middletown was supposed to consist of 100 families feveral thousand acres allotted for the town, and many thousands for the several out plantations: John Bowne, Richard Hartshorne, and Nicholas Davis, had each well improved fettlements here; a court of festions was held twice or thrice a year, for Middletown and Piscataway, and their jurisdictions: Several plantations were fettled on the north fide of Rariton river. below Piscataway; several also higher up Rariton, and about the Falls; among which John Palmer, of Staten-Island, Thomas Codrington, John Robinson, White and company, and Edfal and company, of New-York, and capt. Corfen, had fettlements: Some land was likewise located by Millstone river, up Raiton, supposed to be near the division line.

Woodbridge.

Woodbridge had feveral improved plantation in it, and the country round; Delaplairs, the furveyor general, was one of the fettlers here: This town claimed more privileges than others; was incorporated by charter, and had erected a court house and prison (fuch as they were.) There were here about one hum dred and twenty families; ... a large quantity of land the town, and for the plantations round, many thousand acres; of which plantations there were feveral on the north fide of the river that divides Elizabeth-Tom and Woodbridge.

w. From feveral erroneous computations, first publified Nicolls's account, but here omitted, there may be some reals to doubt others; what is here left, appeared probable; but there should be thought any mistakes in names, number or fituation it must be remembered, that it is given only as Nicolls's account this year,

At the entrance of the creek, on the north fide, called Carteret's Point, north of Staten-Island, were other plantations, from Elizabeth-Town to the bounds of New-York: Within Elizabeth-Town claim, was a settlement in partnership between the proprietor Carteret, and governor P. Carteret; the latter had built a house and resided here; the town was supposed to consist of one hundred and sifty families.

On the north of Milford or Newark river, \*. is a large tract belonging to Kingsland and Sanfoord: Higher up the river, another to capt. Berrie; who dividing it, several plantations were soon settled on it: Still further up the river, an island belonging to Christopher Hoogland, of Newark; above that again, was a large tract owned by Jacques Cartelayne, and partners; who, now made some settlement: These tracts were within the jurisdiction of Newark. Newark was then said to be a compact town, consisting of about one hundred families.

Near the mouth of the bay, upon the side of Overprook creek, adjacent to Hackinsack river, several of
the rich valleys were then settled by the Dutch; and
near Snakehill was a fine plantation, owned by Pinhorn and Eickbe; for half of which, Pinhorne is said
to have paid 500 l. There were other settlements on
Hackinsack river; and on a creek near it, Sarah
Kiersted of New-York, had a tract given her by an
old Indian sachem, for services in interpreting
between the Indians and Dutch, on which several
families were settled: John Berrie had a large plantation, two or three miles above, where he then lived,
and had considerable improvements; as had also near
him, his son in law-Smith, and one Baker from Barbados: On the west side of the creek, opposite to Berrie,

were

1682.

were other plantations; but none more northerly: There was a confiderable fettlement on Bergen Point then called Conftable Hook, and first improved by Edfall, in Nicolls's time. Other small plantations were improved along Bergen neck, to the east, between the point and a little village of twenty families: Further along lived fixteen or eighteen families; and opposite New-York, about forty families were seated: fouthward from this, a few families settled together at a place called the Duke's Farm; and further up the country, was a place called Hobuck, formerly own'd by a Dutch merchant, who, in the Indian wars with the Dutch, had his wife, children and fervants murdered by the Indians, and his house and flock destroyed by them; 3. but it was now settled again, and a mill erected there: Along the river fide, to the north, were lands fettled by William Lawrence, Samuel Edfal and capt. Beinfield; and at Haversham, near the High Lands, governor Carteret had taken up two large tracts; one for himself, the other for Andrew Campyne and company; which were now but little improved: The plantations on both fides of the Neck, to its utmost extent, as also those at Hackinsack, were under the jurisdiction of Bergen town, situate about the middle of the Neck; where was a court held by felect men or overfeers, confifting of four or more in number, as the people thought best, chose annually to try small causes, as had been the practice in all the rest of the towns at first: Two courts of sessions were held here yearly, from which, if the cause exceeded twenty pounds, the party might appeal to the governor council and court of deputies or affembly.

Bergen

Indians, we see is confirmed by concurring accounts: See befor 1 note, p. 24, &c. and p. 64, 65.

A. D.

Bergen a compact town, had been fortified against the Indians, contained about feventy families; its inha- Bergen. bitants chiefly Dutch, some of whom had been settled there upwards of forty years. Upon the whole there were at this time supposed to be about seven hundred families settled in the towns of East-Jersey; which; reckoning five to a family, were three thousand and five hundred inhabitants; besides the out plantations, which were thought to contain half as many more, though these could not be so well guessed at.

P. Carteret continued governor of East-Jersey after the quinty partite division, till about the year 1681.2. His council in 1668, confifted of fix, viz.

Nicholas Verlet, Robert Bond, Robert Vanquellin. Daniel Pierce; Samuel Edfall, William Pardon.

The affembly then confifted of twelve; the first members were.

Casper Steenmets; Baltazar Bayard, for Bergen. John Ogden, sen. John Brackett, for Elizabeth-Town: Robert Treat, Samuel Swarne, for Newark. John Bishop, Robert Dennis, for Woodbridge. James Grover, John Bound, for Middletown:

The fame for Shrewfbury:

The fessions were mostly held at Elizabeth-Town, but fometimes at Woodbridge, and once or more ac Middletown and Pifcataway: Some of the first laws as published by the legislature at Elizabeth-Town. were in substance: That persons resisting authority. should be punished at the discretion of the court:----

That

z. His falary was generally 50 l. a year; paid in country produce, at prices fixed by law, and fometimes four shillings a day besides, to defray his charges while a sessions was held; the wages of the council and assembly during their sitting in legislation, was, to each member three shillings a day: The rates for publick charges. were levied at two shillings per head for every male above fourteent years old:

A. D. 1682.

That men from 16 to 60 years of age, should provide themselves with arms, on penalty of one shilling for the first week's neglect, and two for every week after: ---- That for burglary or high-way robbery, the first offence, burning in the hand, the fecond, in the forehead, in both, to make restitution; and for the third offence, death :---- For stealing, the first offence, treble restitution, and the like for the second and third offence. with fuch increase of punishment, as the court saw cause, even to death, if the party appeared incorrigible; but if not, and unable to make restitution, they were to be fold for fatisfaction, or to receive corporal punishment:----That conspiracies or attacks upon towns or forts, should be death:---- That undutiful children, fmiting or curfing their father or mother, except provok'd thereunto for felf-prefervation, upon complaint of, and proof from their parents, or either of them, should be punished with death:---- That in case of adultery, the party to be divorc'd, corporally punished or banished, or either, or all of them, as the court should judge proper:---- That for nightwalking and revelling after the hour of nine, the parties to be fecured by the constable or other officer till morning, and then not giving a fatisfactory account to the magistrate, to be bound over to the next court, and there receive fuch punishment as should be inflicted:---That the meeting of the affembly should be always on the first Tuesday in November, yearly, and oftner, if the governor and council thought necessary; and that they should fix the governor's falary; the deputies of each town to be chosen on the first of January, according to the concessions; any deputy absenting himself at such times, was to be fined forty shillings for every day's absence :--- That thirty pounds should be levied for provincial charges, i. e. 5 l. to be paid by each town, in winter wheat at five shillings 2 bushel

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bushel, summer wheat at four and six pence, pease at three shillings and fix pence, Indian corn at three shillings, rie at four shillings, barley at four shillings, beef at two pence half penny per pound, and pork at three pence half-penny :--- That no fon, daughter, maid or fervant, should marry without the consent of his or their parents, mafters or overfeers, without being three times published in some publick meeting or kirk, near the party's abode, or notice being fet up in writing at fome publick house near where they lived, for fourteen days before; then to be folemnized by some approved minister, justice or chief officer; who, on penalty of twenty pounds, and to be put out of office, were to marry none who had not followed those directions:----That fornication should be punished at the discetion of the court, by marriage; fine or corporal punishment; and that no life should be taken but by virtue of some law, and the proof of two or three witnesses.

There being doubts flarted; whether the government of West New-Jersey, had been granted with the Doubts as foil, and reports industriously spread up and down to the gothe province; as well as in England, to the pre-vernment judice of the possessors title, as they thought; the Jersey. affembly in the fpring, this year, thought it their business to obviate this, and other points, by unanimoully resolving, as to the first, 'That the land 'and government of West New-Jersey, were pur-'chased together:' And that as to the question, Whether the concessions agreed upon by the pro-'prietors and people, and subscribed in London and West-Jersey, were agreed upon to be the funda-'mentals and ground of the government of West-'New-Jersey, or not? Resolved in the affirmative, 'nemine contradicente: only John Fenwick excepted 'his tenth; which he faid, at that time was not under Mi

of West-

A. D. 'the same circumstances; but now freely consenteth thereto.a.

Jenings was at this affembly chosen governor, as hinted before, b. having hitherto acted as Byllings's deputy: The commissioners and other officers of government, being also chosen, they severally took their qualifications; and having agreed, that the governor

- a. Proprietary records, fecretary's office, Burlington.
- b He had for falary this year a right to take up fix hundred acres of land above the Falls.

c. Respectively as follows.

I Samuel Jenings, being elected governor of the province of West-Jersey, by the general free assembly thereof, sitting at Burlington, the eleventh day of the third month, in the year 1683, do freely and faithfully promise (according to the best of my ability) to act in that capacity according to the laws, concessions, and constitutions, as they are now established in the said province.

SAMUEL JENINGS, Governor

The engagement and promise of the council elected by the affembly.

We underwritten being elected and chosen by the general free assembly, members of council, to advise and assist the governor is managing the assairs of the government, do solemnly promise every one for himself, that we will give our diligent attendance from time to time, and him advise and assist to the best of our skill and knowledge, according to the laws, concessions, and constitutions of this province; and do surther promise not to reveal or disclose any secret of council, or any business therein transacted, to the prejudice of the public. Witness our bands the 15th day of the third menth, Anno 1683.

Thomas Budd, John Skeen, John Gosling, Thomas Olive, William Biddle, Thomas Gardiner, Henry Stacy, James Nevill, Elias Farre.

The engagement and promise of the commissioners, justices, and other officers, elected as aforesaid.

We whose names are hereunderwritten, being by the general free assembly, chosen to officiate in our several trusts, commissions and offices for the year ensuing; do hereby solemnly promise, that we will truly and faithfully discharge our respective trusts, according to the laws, concessions and constitutions of the said province, in our respective offices and duties, and do equal justice and right to all men, according to our best skill and judgment, without corruption,

governor should be chairman, or speaker; that he should fit as a member with them, and they together with the council; and that the chairman should have a double vote; paffed fundry laws, among which was the following.

A. D. 1683.

A Weft-

'And whereas it hath pleased God, to committhis country and province into the hands of fuch who Jersey law. (for the generality of them) are fearing God, and 'painful and industrious in the promoting and im-'proving the faid province; and for the better preventing of fuch as are profane, loofe and idle, and 'fcandalous, from fettling amongst us, who are, and 'will be, not only unferviceable, but greatly burthen-' fome to the province: It is therefore hereby enacted by the authority aforesaid, that all person and persons, who shall transport him or themselves into this province, shall, within eighteen months after he or they 'shall arrive in the said province, procure and produce 'a certificate, under the hands of fuch of that religious fociety to whom he or they did belong, or otherwife from two magistrates (if procurable) or two constables or overseers of the poor, with three or 'more creditable persons of the neighbourhood, who 'inhabit or belong to the place where he or they did 'last reside, as may give satisfaction (that is to say) that he or they came not clandestinely or fraudently 'away; and if unmarried, that he or she are clear from former engagements in that particular; and 'alfo, that he or she are such as live soberly and honestiy, to the best of their knowledge; and that no justice

tion, favour or affection. Witness our hands this 15th of the third month, 1683.

Justices. Thomas Olive, Richard Guy, Andrew Wade, Andrew

Thompson. Commissioners. William Biddle, John Gosling, John Skeen, Mahlon Stacy, Thomas Olive, James Nevill, Francis Collins, Thomas Budd, Thomas Gardiner, Mark Newby.

Recorder. Thomas Revell. Sheriff. Benjamin Wheat. Surveyor. Daniel Leeds.

## THE HISTORY

A. D. 1683. ' shall presume to marry any such person or persons, who shall come into this province, before such certicate be produced; or that it be laid before the goveronor or two justices, and give them sufficient satisfaction concerning their clearness; and that all such e person and persons who shall settle in the said province, and shall refuse or neglect to produce such certificate as aforesaid, within the said eighteen months, shall be fined at the discretion of the governor and council of the faid province, not exceeding twenty pounds; the fame to be levyed by diffress and sale on the offender's goods, and to be paid into the hands of f the treasurer of the said province.

## CHAP. X.

Robert Barclay appointed governor of East-Jersey; and T. Rudyard deputy: Letters from Rayard, S. Groom, Lawrie and others, concerned in that settlement,

1683.

Barclay governor.

WE have feen that the Scotch had a confiderable share in the settlement of East-Jersey, many of them and a number that arrived afterwards, fixed about Amboy, and up Rariton: The twelve proprietors ap-Robert pointed Robert Barclay, (author of the apology) governor for life; d. and Thomas Rudyard, (a lawyer

## d. His commission.

The proprietors of the province of East-New-Jersey. To our trusty and well beloved fellow proprietor, Robert Barclay, fendeth greeting;

Whereas the powers of government of the province of East-New-Jersey, is devolv'd upon us, and assigned to us, by James duke of York, with power to constitute and appoint such governor and commissioners, for the well governing of the faid province, as we shall see meet; and we having heretofore, out of the confdence we had of Robert Barclay, his skill, prudence and integrity, constituted and appointed him governor of the faid province, to s appoint a deputy during his absence therefrom, to be approved

A. D. 1683.

orattorney in London, noted for his affiftance at the trial of Penn and Mead. ) deputy governor; which last arrived at his government, the latter end of last, or beginning of this year: His account of the country soon after his arrival, may not be unacceptable.

East-Jersey, the 30th of the 3d month called May, 1683.

To be as particular in my turn, were but thy due; yet I cannot promise so much; however I may give thee some general account of the province, and sof our satisfaction with our present lot, the short time I have experenced this: But to give thee also, as thou desires, a character of Pennsylvania, and West-Jersey, that will be a task I must be excused to undertake

by fixteen of the proprietors: Upon the same reason and confidence, we do hereby confirm to him the government of the faid province, during all the days of his life; as to have the power of 'the government of all the faid province, and of all isles, rivers, fillands and feas within the fame, or belonging thereto; to do all and every thing or things, which to the charge and office of a 'governor doth appertain; commanding all inferior officers to obey him as their governor, according to this our commission, and the powers hereby given him, and according to the laws and conflications made or confirmed by us, or to be made; which he himself is to observe and follow; as unto his duty and office doth appertain. And whereas we have agreed, and are fatisfied, for certain good reasons and considerations moving us thereunto, to commit this trust unto him, and to give him this character, without laying any necessity upon him to repair to the faid pro-'vince; so likewise we have, and do hereby give him power, from 'time to time as need shall be, during his absence, to name and constitutes and grant commission, to a deputy governor to serve in 'the faid province; he being always approved by fixteen of us the proprietors, and following the orders he receives from us, according to the laws and constitutions of the said province.

'Given under the seal of the said province, and signed by our hands; dated at London, the 17th of the sisth month called July, in the year of our lord, according to the English account,

1683.

R. Barclay died the third of October, 1690, and had continued governor till 1685, when lord Neil Campbell, uncle to the D. of Argyle, was appointed governor, and came over hither.—In 1698, fir Thomas Lane was governor of East-Jersey.

f. Vid. the trial, and Sewel's hift. p. 504.

A. D. 1683.

undertake, lest I give offence, or at least bring me under censure as partial: Were I not concerned in any of the provinces, I might fatisfy thy curiofity; but being chiefly interested in this, I'll be very cau-\* tious meddling with my neighbours, more than here. one with another; fo I may use my freedom with my neighbours, which they take not ill, but not write what may be taken otherways. They lie fo near adjacent, that they may be faid in a fense, to be but one country; and what's faid for one, in general may ferve for all. I have been at Burlington, and at Pennsylvania, as far as Philadelphia; which lies about twenty miles below Burlington: That journey by land, gave me some view of all the provinces; and made me confiderably to estimate this of East-Iersey, having some conveniencies esteemed by " me, which the others are not so plentifully furnished withal, viz. fresh and salt meadows, which now are very valuable; and no man here will take up a tract of land without them, being the support of their flock in winter; which other parts must supply by ftore, and taking more care for English grass; But know, where falt marshes are not, there is no musketoes, and that manner of land the more health; and this was often answered me, when I have been making comparisons. I must tell thee, their character in print, by all that reads it here, is faid to be modelf, and much more might have been faid in it's commendation: We have one thing more particular to us, which the others want also, which is vast oyster banks, which is constant fresh victuals, during the winter, to English, as well as Indians; of these there are many all along our coafts, from the fea, s as high as against New-York, whence they come to fetch them; fo we are supplied with falt fish at our doors, or within half a tide's passage; and fresh sih in abundence, in every little brook, as pearch, trout, eels, &c. which we catch at our doors. Provisions here are very plentiful, and people generally well focked with cattle : New-York and Burlington have s hithered

hitherto been their market; few or no trading men being here in this province: I believe it hath been very unhappy heretofore, under an ill managed government; and most of the people are such who have been invited from the adjacent colonies, by the goodness of it's soil, and convenient situation: At Amboy we are now building fome small houses, of 20 feet long, and 18 feet broad; fitting to entertain workmen, and fuch who will go and build larger: The stones lie exceeding well and good, up the Rari-'ton river a tide's passage; and oyster shells upon the point, to make lime withal; which will wonderfully accomodate us in building good houses cheap, warm for winter, and cool for fummer; and durable covering for houses are shingles, oak, chesnut, and cedar; we have plentiful here of all; the last endures a man's 'life, if he lives to be old: There is five or fix faw-' mills going up here this fpring; two at work already, which abates the price of boards half in half; and 'all other timber for building; for altho' timber cofts nothing, yet workmanship by hand, was London 'price, or near upon it, and fometimes more; which these mills abate; we buy oak and chesnut boards no 'cheaper than last year: My habitation with Samuel 'Groome, is at Elizabeth-Town, and here we came first; it lies on a fresh small river; with a tide ships of 30 or 40 tuns, come before our doors. Throughout this town is good English grass; and bears a very good burthen: We cannot call our habitations folitary; for what with the publick employ, I have little 'less company at my house daily, than I had in George 'Yard; altho' not so many passes by my doors: The people are generally a fober professing people, wife in their generation, courteous in their behaviour, and respectful to us in office among them: As for the temperature of the air, it is wonderfully fituated to the humours of mankind; the wind and weather rarely holding in one point, or one kind, for ten days together; it is a rare thing for a vessel to be wind bound for a week together, the wind feldom holding

A. D. in a point more than 48 hours; and in a short time we have wet and dry, warm and cold weather; which changes, we often defire in England, and look for before they come; yet this variation creates not cold. nor have we the tenth part of the colds we have in England: I never had any fince I came; and in the midst of winter and frosts, could endure it with less cloaths than in England; for generally I go with the same cloaths I used to wear in summer with you: but warm cloaths hurt not. I bless the Lord, I never had better health, nor my family; my daughters are very well improved in that respect, and tell me they would not change their place for George Yard, nor People here are generally fettled where the 'tide reaches; and altho' this is good land, and well timbered, and plentifully supplied with falt marsh; vet there is much better land up higher on the river, where they may go up with small boats, where many onow are fettling. There's extraordinary land, fresh · meadows overflowed in the winter time, that produces multitudes of winter corn; and it's believed will endure 20, 30, or 50 years ploughing, without intermission, and not decay: Such land there is at Esopus, on Hudson's river, which hath bore winter corn about 20 years, without help, and is as good as at first, and William Penn took a view of the land, this last month, when here; and said he had never seen fuch before in his life: All the English merchants, and many of the Dutch, have taken, and are desirous to take up plantations with us: Our country here, called Bergen, is almost Dutchmen; at a town called Newark, seven or eight miles hence, is made great quantities of cyder; exceeding any we can have from New-England, Rhode-Island, or Long-Island. I hope to make 20 or 30 barrels out of our orchard next year, as they have done who had it before me; for that, it must be as providence orders. Upon our view and furvey of Amboy point, we find it extraordinary well fituate for a great town or city, beyond expectation; at low water, round about the point,

are oysters of two kinds, small as English, and A. D. others two or three mouthfulls, exceeding good for roafting and flewing; the people fay, our oysters are 'good, and in feafon all fummer; the first of the third month I eat of them at Amboy very good: 'The point is good lively land, ten, fome places twenty foot above the water mark. About it are feveral coves, where veffels may lay up conveniently; befides great ships of any burthen, may all ride before the town, land lock'd against all winds; there Rariton river runs up, or rather down 50, far larger; fome fay 100 miles, for small boats. I saw several vines upon the point, which produces, as they fay, good grapes in their feafon; this country is very full of them; but being not present profit, few regard them more, than to pick them as they lay in their way, when they are ripe. We have store of clams, efteemed much better than oysters; on festivals the 'Indians feast with them; there are shallops, but in no great plenty: Fish we have great store, as our relation fets forth; but they are very good when catch'd (as the proverb is.) I have several barrels by me now, which are good for our table, and for fale. I brought a fea net over with me, which may turn to good account; fea nets are good merchandize here; mine cost me about four or five pounds, and can have twenty pounds for it, if I would fell it now. I may write of many fuch matters in our province, which may invite persons here; but so am resolved to conclude, knowing that in probability, there is not an industrous man, but by God's bleffing, may not 'only have a comfortable, but plentiful supply of all things necessary for this life; with the falutation of my true affection to all, &c. I rest

' thy affectionate friend,

THOMAS RUDYARD.

Samuel Groome, one of the proprietors, and surveyor general of East-Jersey, also wrote to his fellow proprietors, as follows.

East-

A. D. 1683, East-Jersey, the 11th of August,

Friends and fellow proprietors. 1083.

Since my last I have now founded the channel from Amboy to Sandy Hook, and find it to be a broad and bold channel, in no place less than three fathom at high-water, in ordinary tides four, or five, or fix fathom except in one short place: Rariton river is a good river, and hath a good tide of flood overpower. ing the freshes about thirty miles above Amboy; after 'it's flood, the tide hath no force against the freshes. which come out of feveral branches of Rariton, and ioins in one, forty or fifty miles above Amboy. I have fpent a confiderable time in making discovery; I have not as yet, had time to lay out much land for 'you, only about seventeen or eighteen thousand acres in one tract, good upland, near Elizabeth-Town. I have now feen the tract of land against or nigh Amboy point, formerly laid out by Vanquillin; it is on the west sideof a creek called Chingerorus, about eight thousand acres, and I intend shortly to lay as much, or twice as much more to it; but first we must talk with the natives about that, and other tracks of I land, that they are not yet paid for: The last day of this month is appointed to treat with feveral Indians,

to buy feveral exceeding good tracts, nigh the head of Rariton. 'The tenth of next month is also appointed to treat with other Indians, to buy other tracts of choice meadowing and upland, that lieth about twelve or thirteen miles up into the country, which I have feen; and when we have accomplished these two things, we fhall be able to lay out for you much land; and when I have been up in the country towards, and at Barnagat, and agreed with the Indians thereabout, for such · land as we may fee occasion to purchase presently, in order to a fettlement there; for here are many both of New-England, New-York, and some parts of this province, stands ready to sit down in that part of the country, not only for the fake of the good upland and meadows, which report faith is much thereabout,

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but also for the sake of the whale trade, and other fishing trade, which is like to be there shortly: New-England-men and others, were a tampering with the Indians, to have purchased there, before and since we came; but now they are out of hopes of coming in 'at that door; fo now they make their addresses to us, and would have us to purchase and let them come in our tenants; or otherways as we may agree: I intend to attempt these things this fall: I have not been. much on the fouth fide of Rariton, only upon fome upland at feveral places, and upon the tract of eight thousand three hundred and twenty acres of yours. 'aforementioned, and also on the meadowing that lies on the fouth fide of Rariton above Amboy, a year or 'two fince purchased of the Indians, in the name of Dame Carteret, though it was never intended for her, 'nor for any proprietor; but as it fell out, they quar-'relled about disposing and sharing thereof; so it is now. without controversy yours. Now know, that Rariton 'river is accommodated on both fides, with falt and fresh meadows; falt as far as the falt fea water flows, or predominates; and fresh above, as the river Thames: We have above three thousand acres of meadowing butting on the river; I hope it will never hurt Amboy town: Besides, report faith, that the upland next adjoining to this meadowing, beginning over against Amboy, and fo up ten or twelve miles, to a river that strikes out of Rariton south, and is called South River, is but mean land.

'It may be well, if you would agree to take each one a twenty fourth part of lands as we lay them out, whether it be more or less, or else take five hundred acre lots, and let these lots be cast when twenty four times five hundred acres is laid out; and where we can make greater lots, we may. We have now got up three houses at Amboy, and three more ready to be set up, but workmen are scarce, and many of them base; the best will work but when they can spare time out of their plantations: If no help comes, it will be long e'er Amboy be built as London is; housing

will

A. D. 1683. will bring a trade to that place: The Indians come thither to get fish, fowl, oysters, clams, mussels, &c. (as people go to market for things they want) and these Indians bring at seasons, great quantities of skins down Rariton, so by Amboy and to New-York; where they have a continual supply of things they want.

Well, here is a brave country, the ground very fruitful; and wonderfully inclinable to English grass; as clover, &c. It predominates over the more wild grafs, very little barren, much dry upland, and good meadow: Some fenny, fwampy land, and fmall running brooks and rivers, throughout all the parts of the country I have feen; and thefe fenny and fwampy lands bear great burdens of grafs; in short, the land is four times better than I expected: We must needs be out of some money at present to purchase lands of the Indians, but that will be soon got in with profit, as people come to inhabit and take up land, and pay, as always they have done, their part of purchase from the Indians: Here is great talk of the braveries of the place and land: Barnagat I intend to fee shortly after the feason is fittling to go by land and water to it; I intend to go by water in a floop, to fee how convenient it is by water, and from thence come by land; fo then I shall tell you more: Ye must expect to be at charges for doing these and such other things: I purpose shortly to write to; and demand of all places the quit rents and arrears; they generally fay they will pay: Capt. Berrie is two or three hundred pounds behind in arrears, as is faid; becaule his case differs from others a little, I'll (God permitting) begin with him first of all about his rent, &c. and either have rent, or land: What you write concerning building and repairing; shall be observed: 1 wish I were fairly rid of all the goods I have of yours and my own, at twenty eight per cent. excepting fuch as are for the Indian trade: These parts of America are accommodated with English goods; nevertheless when I pay workmen and labourers, I pay them goods

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rated cent. per cent. New-York money; but then I must pay them two or three parts filver; which I

procure with goods as well as I can.

'The houses at Amboy are thirty seet long; and sixteen wide, ten seet betwixt joint and joint, a double chimney made with timber, and clay as the manner of this country is to build, will stand in about sifty pound a house; this pay procured here for twenty five in goods the first cost. I shall make you no return this year, seeing we are about purchasing and surveying; all which will run out money in this place, where men are so scarce to be had; on such accounts, I must as well as I can, turn your goods into money, provision and goods for Indians, I have laid out Amboy into one hundred and sifty lots, and have sent home a draught of it.

S. GROOME.

Gawen Lawrie arriving this year deputy governor of East-Jersey, under Robert Barclay, chose a fresh council; Richard Hartshorne one of them: There having been considerable disturbances in the province, especially about Middletown and Woodbridge, relating to town affairs; f. their prudent conduct contributed to the quiet of the province: The two following letters, wrote soon after Lawrie's arrival, contain, as well his sentiments of the country, as some of the principal transactions of those times.

Gawen Lawrie, to the proprietors at London.
'Elizabeth-Town, 1 Month 2d, 1684.

'I took up several days with countrymen, and others, to view the ground and water; at last I pitched upon a place, where a ship of 300 tun may ride safely within a plank length of the shore, at low water; adjoining thereto is a piece of marsh ground, about

f. In one of these disturbances, Lewis Morris, afterwards governor of New-Jersey, being a party, was taken prisoner and confin'd in a log house; his partizans prized up the logs high enough for him to creep out.

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about twelve perches broad, and twenty perches long, and high land on each fide like our keys by · London bridge; this may be easy cut quite round, for small vessels to come to the key, and lie safe; round this island I set out lots one acre apiece, viz. four opole at the key, and forty pole backward; from thence along the river near half a mile: I laid out the like lots very pleafant for situation, where they can fee the ships coming in the bay of fandy hook, for near twenty miles; the ships may ride along by the town, as safe as at London, just at the point by the town: Rariton river runs up by the country, a great way; there boats of forty tuns may go; and the river by the town, goes to New-York, Hudson's river, Long-Island, Staten-Island, and so to New-· England: There is no fuch place in all England, for \* conveniency and pleasant situation; there are fixty loss upon the river, and forty backward between those and the river; and those backward, have a high way 100 foot broad; where I have laid out a place for a market, with cross streets from the river to the market; where the town houses are to be built: When this was done, I laid out 400 acres, to be divided into forty-eight parts, viz. thirty-fix to each proprietor; and those who have lots in the town, I grant them half lots in this; to pay for the lots in the town, twenty pounds; or if a half lot of thirty-fix acres, forty pounds. I laid 400 acres to lie until the \* proprietors agree to divide it, as people comes over. There is fixteen lots taken up by the Scotch proprietors; and eight lots by the proprietors that are here: There are twenty lots taken up in the town, by other people. I engage all to build a house of thirty seet · long, and eighteen broad, and eighteen feet high to the raising; to be finished within a year; to pay for · laying out, forty shillings a lot, and four pence per annum, quit-rent: There are several begun already I have laid out forty or fifty acres for the to build. governor's house: The highway and wharff, between the river 100 feet broad; and to leave a row of trees along

along upon the river, before the houses, for shade and shelter, exceeding pleasant. I have agreed for two houses of like dimensions, to be built for the proprietors; and also a house for the governor, of fixty-fix feet long, and eighteen broad; if the quit rents come in, I intend three or four houses more, for the proprietors: I can easily let them. This work took me up five weeks: After I had finished it, I set the people to work, Scotish and English, about fifty persons; some preparing for building, others to clearing ground to get corn fown this fpring: Then came in a boat privately to Elizabeth-Town the 12th past: Next morning I went to New-York to visit the governor; staid there two of three days; he was very kind, and promised a fair correspondence; so I did not publish 'my commission until this day, before the council; they have been kind and courteous. Now is the 'time to fend over people for fettling; there are 30,000 'acres of land in feveral places, belonging to the proprietors, formerly taken up by Carteret! So here is land enough. The Scots and William Dockwras 'people coming now and fettling, advance the pro-'vince more than it hath been advanced these ten 'years: Therefore proprietors, fend over some families and servants; I shall presently set them out land, and it will bring them in confiderable profit, in a few years: Here wants nothing but people. is not a poor body in all the province, nor that wants; here is abundance of provision; pork and beef at two pence per pound; fish and fowl plenty: Oysters I think would ferve all England: Wheat four shillings sterling per bushel; Indian wheat two shillings and fix pence per bushel; it is exceeding good for food every way, and two or three hundred fold increase: Cyder good and plenty, for one penny per quart. Good drink that is made of water and molasses, stands in about two shillings per barrel, wholesome like our eight shilling beer in England! Good vennison plenty, brought us in at eighteen

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pence the quarter: Eggs at three pence per dozen; 'all things very plenty; land very good as ever I ' faw: Vines, walnuts, peaches, strawberries, and ' many other things plenty in the woods. The pro-' prietors have 150 or 200 acres, three miles from the town, up Rariton river falt marsh, where I ' inten I to let the people of Amboy cut grass for hay; until we otherwise order it by lots to them: I reckon there is laid out for the town, governor's house, and publick highways, near of about 200 acres; so there rests 1800 acres. I laid out 400 acres, as I faid; the rest to lie in common ' until divided : I have put two houses in repair, upon the river, called the point, two miles from Elizabeth 'Town; have let one of them, with ten acres of ' pasture ground, and ten acres of woody ground, for feven years, at twenty-fix pounds per annum; the man to clear the ten acres of woody ground, and ' make it fit for ploughing or pasture. I intend to let the other also, with some land: All the houses were ' like to drop down; all the land lying without fence; and a barn quite fallen down, and destroyed; another without any cover; and that other next to the house where I dwell, all to pieces; and all the fences and out-houses were down, but repaired before 'I came. I am fetting up a ferry boat at Perth, for men and horses, to go and come to Burlington and Pennsylvania, and New-York: Also I am treating with one, to fet up a house mid way to Burlington, to entertain travellers, and a ferry boat to go to New. 'York; all which is for promoting Perth, that being the center: Also you should give me power to set out a line, between the governor of New-York and us; he calls on me for it, because several plantations on the river are fettled, and we know not yet on what fide they will fall; fo I cannot at prefent mention al particulars, which you must supply, by some general clauses or words; for it is not possible for you to understand what is for the good of the province, al do, that am here; and be not sparing to fend ord e people

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people, it will bring you it again; with large profits; for here is a gallant plentiful country; and good land. I have given you a large account of the little time I have been here: I have none to write for me; but you must send a copy of this to Scotland; and with it your further instructions, to be signed and sent me forthwith: I will be bound till it come; I rest your friend, sie subscribitur;

GAWEN LAWRIE:

## The same to a friend in London:

East-Jersey, ift month 26th, 1684.

I promised to write but had not time till now; I fall give thee a brief account of the country, no fiction; but truth: It is beyond what I expected; it is fituate in a good air, which makes it healthy; and there is great conveniency for travelling from places through 'and about the province; in boats from a small canoe; to veffels of thirty, forty or fifty tun; and in fome 'places one hundred in the bay coming up to Amboypoint; where the town of Perth is now in building; a ship of three hundred tun may easily ride close to the shore within a planks length of the houses of the town, and yet the land there, nor other in the 'province is not low, fwampy, marshy ground, but pretty high ground, rifing from the water fide at 'Amboy-point. The bank of the river is twenty foot, in some places thirty, and in some forty foot high; and yet hath many conveniencies for landing goods: The foil is generally black, in some places a foot deep, beareth great burdens of corn, and naturally bringeth forth English grass, two years ploughing the ground is tender, and the ploughing is very easy: The trees grow generally not thick, but some places ten, in some fifteen, in fome twenty-five or thirty upon an acre; this I find generally, but in some particular places there is one hundred upon an acre; but that is very rare: The trees are very tall and ftraight, the general are oak, N2

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beech, walnut, chefnuts and acorns lie thick upon the ground, for want of eating; peaches, vines, strawberries and many other forts of fruit grow commonly in the woods; there is likewife gumtree, cedar, whitewood like our fir tree, walnuts, chefnuts and others lie thick on the ground; there is great plenty of oysters, fish, fowl, pork is two pennies the pound, beef and venison one penny the pound, a whole fat buck for five or fix shillings; Indian com for two shillings and fix pence per bushel, oats twenty pence, and barley two shillings per bushel: We have good brick earth, and stones for building at Amboy, and elsewhere: The country farm houses are built very cheap: A carpenter, with a man's own fervants, builds the house; they have all materials for nothing, except nails, their chimnies are of stones; they make their own ploughs and carts for the most part, only the iron work is very dear: The poorer fort fer up a house of two or three rooms themselves, after this manner; the walls are of cloven timber, about eight or ten inches broad, like planks, fet one end to the ground, and the other nailed to the raising, which 'they plaister within; they build a barn after the same manner, and these cost not above five pound a piece; and then to work they go: Two or three men in one ' year will clear fifty acres, in some places fixty, and 'in fome more: They fow corn the first year, and 'afterwards maintain themselves; and the increase of corn, cows, horses, hogs and sheep comes to the land-' lord: Several merchants of New-York have left their ' several plantations there, to come to East-Jersey, two or three may join together, with may be twelve, fifteen or twenty fervants, and one overfeer, which coft them onothing for the first year, except some shoes, stockings and shirts: I have been to see these plantations, and find they have a great increase by them, they main tain their families at New-York with all provisions, and fell a great deal yearly; and for fervants, our English people are far better husbandmen than the New-Eng landmen; the fervants work not fo much by a third

as they do in England, and I think feed much better; A. D. for they have beef, pork, bacon, pudding, milk, but- 1684. ter and good beer and cyder for drink; when they are out of their time, they have land for themselves, and generally turn farmers for themselves: Servants wages are not under two shillings a day, befides victuals; and 'at Amboy-point two shillings and fix pence per day: 'At Amboy we have one fetting up to make malt, but we want a brewer; I wish thou would fend over some to fet up a brewhouse, and a bakehouse to bake bread 'and bisket; for a bisket maker we must have, to vend our meat to the plantations; Send over some hufbandmen and country fellows that plough, fow, reap, thresh, and look after cattle; a carpenter or two, and 'a fmith for ploughs and horses; and a cooper which we want very much: If thou will fend a dozen of ' fervants, most of them countrymen; I will fet thee out agallant plantation of five hundred or one thousand 'acres, on a river fide; but thou must fend over some 'goods to flock it withal: I defire thee to encourage 'fome of our friends, especially the proprietors, to ' fend over some servants to stock some land; and when 'they have cleared it, if they have a mind to let it, here are tenants to take it, and if they will fell it, 'here are also purchasers: There is one man since I came here, fold his plantation for fifteen hundred 'pound; the whole was fixteen hundred or eighteen hundred acres, whereof only one hundred and twenty 'acres were cleared; upon which he had a house, gar-'den, and orchard, and barn planted: I know feveral 'men who let cleared land at fix shillings and eight pence, and at ten shillings the acre, yearly rent; which is a good encouragement for fending over fervants to 'plant: I write not this as an idle story, but as things 'really and truly are: I have fent for fervants myfelf to fettle a farm; for if the proprietors will not do fo, 'I fee not what they can expect. The Scots have taken 'a right course, they have sent over many servants, 'and are likewise sending more; they have likewise fent over many poor families, and given them a small ftock:

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flock; and these families, some for seven, some for ten years, give the half of their increase to the land. ' lord, except the milk, which the tenant hath to himfelf. I have fet them out land and they are at work: "I believe they will have forty acres cleared this fpring and this fummer: I am to fet them out more, fo that in a fhort time they will have a great increase coming in: This will raise the price of the land here, and is the reason that several from New-York bounds come to f me totake up land, for they believe now this province will be improving, and our land is better than theirs; that every proprietor's fending over ten people, will f also be a great advantage to himself; encourage others to take up land and bring all the division that hath been here, to an end; for these men seeing that they shall be ballanced, are already more compliant than they were; now I have laid these things before thee, and defire thee to impart them to some of the proprietors f and other friends, that they may confider of the fame, I am thy loving friend fic subscriptur.

GAWEN LAWRIE.

From John Barclay, Arthur Forbes, and Gawen Lawrie, to the Scots proprietors, of the same date.

'Knowing you expect from us an account of this f country; we have for your encouragement, and for the encouragement of all our country-men, who f may be inclineable to come into this country, given f you this brief and true account of it, according a we have feen and are credibly informed; for having feen little, yet fave the winter feafon, we mult write what is to be feen in fummer upon information, which we have just ground to believe to be true; because whatever we have seen already in it (notwithftanding all we heard of it before we came) furpaffes The air in this our expectation in many things. f country is very wholesome, and though it alters suddenly, fometimes being one day hot and another cold yet people are not so subject to catch cold or be distenpered by it as in our country of England. The · land

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I land lies for the most part pretty high, but on the river and creek fides, are many meadows which lie low, from which the country people get their hay, whereby their stocks are maintained in the winter feason. Provisions here are plentiful and cheap; there is beef, pork, venison, mutton, fowl and fish, abundance to be had at easy rates; and for drink they have good beer and cyder; and those that are delirous, may have wine of feveral forts and other 'kinds of strong liquors; so that we see little wanting that a man can defire; and we are here fure that a 'fober and industrious people might make this a rich country, and enrich themselves in it; especially 'poor people, who are hard put to it to gain bread at home, notwithstanding the excessive labour; for we fee that people here want nothing, and yet their 'labour is very small; they work not so hard by one half as the husbandmen or farmers in our country; and many of these who have settled here upwards of 'fixteen years, have lived upon the product of the land, they cleared the first two years after they came (and cleared none fince) which produceth not only corn to maintain their own families, but fell 'every year; and the increase of their bestial, whereof they have good ftore of feveral forts; cows, oxen, horses, sheep and swine, yields them other provisions, and to fell befides; yet there be fome more industrous among them, who have continued clearing and improving land; and these have got estates, 'and would not sell their plantations for several hun-'dred pounds. We have been lately up a little way on 'the Rariton river, but could not go fo far as we intended, being prevented by rainy weather; but fo 'far as we went, was very rich land, and yet that 'above it is said to be richer; a great deal of it is 'naturally clear of wood, and what is not fo, is eafily 'cleared, the trees being but small and at a good 'distance from one another; so that the land yet 'untaken up, so far as we can understand, is easier to clear, than that which is taken up. The towns that are already

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already feated, being in woodiest places: The merchants in New-York, both Dutch and English, have many of them taken up land, and fettled plantations in this country; and several from that colony are defiring to come and take up land among us; though they might have land in their own colony without paying quit-rents. The wood here is not fo hard to clear as many think, they do not pull it up by the roots, but cut them about a foot or more from the ground, and one man may cut down many in a day; four of our men the first day they began, cut down feventy the best trees they could find fit for building: There are not many of great trees, but ftraight and tall, and there be many forts, oak, walnut, chefnut, cedar, poplar, gum-trees, firrs, pines, birch and beech, and other forts, which we remember not at prefent. There are many good orchards of fruit trees, and they make abundance of good cyder, especially at one town called Newark, which is esteemed at New-York and other places, where it is fold beyond any that comes from New-England: There are peaches and vines grow wild about the river fides, which in feason bear good fruit, and grapes; and there are strawberries over all the woods, and many other kind of good fruits, and at Amboy point and feveral other places; there is abundance of brave oysters; there will be many houses built there quickly, for many have taken up · lots, and all that have taken are obliged to build within a year: There is good encouragement for tradefmen to come over; fuch as carpenters, masons, and bricklayers, for they build not only of wood, but also of stone and brick; yet most of country houses are built of wood, only trees split and set up one end in the ground, and coverings to their houles, are mostly shingles, made of oak, chesnut and cedar wood, which makes a very neat covering; yet there are some houses covered after the Dutch manner, with panticles. The towns are all fettled upon rivers where veffels of thirty or forty tuns may come up to · their

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their doors, and the out plantations generally upon fome brook or rivulets, which are as plenty here as in our own country, and curious clear water, and in many places are good fpring wells, but in the towns every man for the most part has a well digged on his own land: Among all the towns that are fettled, none lieth so convenient for trade as New-Perth; for ships of great burden may come up close to the houses, and may come up in any time in the winter: There came a ship of three hundred tuns 'in there this winter, in the hardest frost we had and lay hard by the town, so near that she was tied to a The land here brings forth most forts of Eng-'lish grain, and great increase; wheat, rie, barley, oats and other forts of grain, fuch as Indian corn, which is very good and wholesome kind of grain; 'and also buck-wheat; and those corns are to be had at easy rates, either for money or goods, and those that have not money or goods may have abundance for their work: We shall now answer as far as we are 'capable, your queries.

To the first we cannot possitively give an account of the whole length and breadth of the province; but we are informed that it is a great deal broader than ye expected; for those that have travelled from the extent of our bounds on Hudson's river, straight over to the Delaware say it is 100 miles, or upwards; we shall know that certainly after a while; for the line betwixt us and New-York, is to be run straight over to Delaware river, about three weeks hence; and after that the line betwixt us and West-Jersey; after which we shall be able to give a true

account of the bounds of that province.

'2. When the bounds is so exactly laid out, we can the easier guess at the number of acres, and by that time may be able to give an account what number of acres is already taken up; but there is no fear of want of land.

'3. The quantity of meadow ground, we cannot determine, having travelled as yet, but little in the province

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province; but the way we have travelled there is meadow in abundance, both on the water fides and on the upland.

4. There is also other good ground in some places, great quantities free of wood, which is fit either for corn or grass; and the ground all over brings forth good English grass naturally, after it is ploughed.

'5. There are also commons upon the country, but what quantity we cannot tell; there is little kept in them save wild horses, which the people take up when they have occasion: there is also land fit for pasturage for sheep; and there is sheep in the country, but what number the ablest planters have we know not, but some we see have good slocks.

6. An exact map of the country is not yet drawn, nor can you quickly expect it, for it will take up a great deal of time, charge and pains to do it.

faid to be stony, and covered with wood; and beyond them is said to be excellent land.

8. To the eighth we cannot answer as yet.

Go. There be people of several forts of religions, but few very zealous; the people, being mostly New-England men, do mostly incline to their way; and in every town there is a meeting-house, where they worship publickly every week: They have no publick laws in the country for maintaining publick teachers, but the towns that have them, make way within themselves to maintain them; we know none that have a settled preacher, that follows no other employment, save one town, Newark.

' 10. The method of building their houses is men: tioned already.

within the bounds of some town; yet there be some and those are the richest; what number there are we know not; some have great quantities of land, and abundance cleared.

ten servants; they will have some of them a dozen cows; yea, some twenty or thirty; eight or ten oxen; horses more than they know themselves; for they keep breeding mares; and keep no more horses at home than they have occasion to work; the rest they let run in the wood both winter and summer, and take them as they have occasion to use them: Swine they have in great slocks in the woods; and sheep in slocks also; but they let them not run in the woods, for fear of being destroyed by wolves: Their profit arises from the improvement of their land, and increase of their bestial.

fettled, at least 100 houses, but they are not built so regular as the towns in our country; so that we cannot compare them with any town we know in Scotland: Every house in the town hath a lot of four acres lying to it; so that every one building upon his own lot, makes the town irregular and scattered: Their streets are laid out too large, and the sheep in the towns are mostly maintained in them; they are so large that they need no trouble to pave them.

bour, lie two towns, Middletown and Shrewfbury: There is no land taken up that way, but what is (now) in the bounds of these two towns; what kind of land it is we know not, having never travelled that way: Barnagat or Burning-Hole, is said to be a very good place for tishing; and there is some desiring to take up land there, who inform that it is good land, and abundance of meadow lying to it.

trade, fave some that go a whaling upon the coasts; and for other fish there is abundance to be had every where through the country, in all the rivers; and the people commonly fish with long sives or long nets, and will catch with a sive, one, sometimes two barrels a day of good fish, which they salt up mostly for their own use, and to sell to others.

16. There

A. D. 16. There are no ships belonging to this province particularly, or built here, fave one which Samuel Groome built here the last fummer, which stands yet on the stocks; (a stop being put to it by his death) there is conveniency enough to build thips: The fhips in this part trade mostly to the West-India islands, and some to Newfoundland, where the provisions of this country vends.

17. There is land here in feveral places, after it is s cleared and brought into a farm, fet out for rents, as ' in our country, at five, eight, and ten shillings per acre, according to the goodness and situation of the ' faid land; and those that will be at the charge to clear land, may get tenants to take upon these terms; but whether it will turn to good account or not, because little experienced as yet, with the charge of clearing of land, I will not positively inform.

18. There are several places of the country fit for 'mills; and feveral, both corn and faw mills already fet up, and good encouragement to fet up more.

' 19. The acres are here reckoned according to the English account; sixteen feet to the rood, twenty 'long, and eight broad makes an acre: One English butt of wheat, which is eight English gallons, or Scots quarts, commonly fows an acre; two bushels of barley also an acre; and two bushels of oats an 'acre and half: English peck, which is four English quarts or Scots shopeus of Indian corn, plants one acre.

'20. There are but few Indian natives in this country, their strength is inconsiderable, they live in the woods, and have small towns in some places far up in the country; they plant a little Indian corn, 's shoots deer, and other wild beasts and fowls for their food: They have kings among themselves to govern them; for religion they have none at all; they do not refuse to sell lands at occasion. The prices of grain and other provisions here at present; Indian corn two shillings and fix pence the bushel; wheat four shillings; rie three shillings; oats one shilling " and

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and eight pence; beef one penny; pork two pence; venison one penny; mutton three pence the pound, this English measure and weight; but mark, these things being valued in this country money, there is a fifth part difference betwixt it and sterling money; so that wheat being valued here at four shillings the bushel, is but three shillings and three pence sterling, and so of the rest proportionably.

'Here you have an account of things, as far as 'we are capable to give at present; with which we hope you will be satisfied, while further opportunity and better experience give us occasion to write more; and so we rest your friends and well wishers to all our

'countrymen; fic fubscribitur,

Is

ic

'Elizabeth-Town, in East-Jersey, JOHN BARCLAY.

'the 29th of the first month, called ARTHUR FORBES.

'March, 1684.

This I have heard read, do also subscribe to the truth thereof, and rests G. L.

## CHAP. XI.

Manner of the West-Jersey Government in 1684: Their unsettled state, and succession of governors: Danger of suffering for want of food in 1687: The division line run by G. Keith; and agreement between the governors Coxe and Barclay: Alteration in the manner of locating lands in West-Jersey, and the method now in use fixed: No personin West-Jersey to purchase from the Indians, without the consent of the council of proprietors; and instructions respecting deeds and warrants for taking up lands.

THE affembly of West-Jersey at their meeting the 20th of the third month, this year chose Thomas Olive governor, and chairman or speaker; in both which capacities the governor now acted; the several branches of the legislature we have seen doing their business in common together; the peoples choice the foundation

Olive.

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foundation of the whole, whose representatives were distinctly returned from their respective first, secondary third and Salem tenths, (which were all the tenths yet fettled) at their first meetings they chose the governor; council, commissioners to lay out land, and all the other officers of government.

Olive had been twice governor West-Jersey before, and continued on the last choice in that station for a year past; g. but Byllinge having desisted from the claims which the affembly and their constituents had thought unjust; and which had been the cause of their undertaking in opposition to him to choose the governor, and he in this year fending a fresh commission to John Skeine to be his deputy, b. the affembly and people submitted to him, tho' they had before refused William Welsh in that capacity, while Byllinge continued the claims aforefaid. Skeine died in the twelfth

Skein.

Welsh.

Dr. Coxe. month 1687; but Dr. Daniel Cox, of London, the greatest proprietor of West-Jersey,i. was the September before appointed to succeed him; he continued in that station till about the year 1690; 4: having appointed

g. His falary was twenty pounds a year.

b. Skein's falary befide the fees, was faid to be thirty bushels of rye.

i. He own'd twenty-two shares of propriety.

A. Governor Coxe foon after his appointment to that station, wrote the following letter to the council of proprietors of West-Jersey. After Mr. Bylling's decease, his heirs were greatly ignorant of his concerns relating unto West Jersey, and therefore resolved to sel his interest both in government and property; and that they had · begun to treat with a person who would probably have made the condition of the proprletors and inhabitants very uneafy: I and another of the chief proprietors having together a very great have of the country, applied ourselves for advice unto the lawyers, being affured by the most eminent that however Bylling's concessions · might in conscience bind him during his life; they were not always · obligatory to a purchaser or successor, because said concessions were made before his right of government was granted; we thereupod confulted with feveral proprietors and others, well withers to your colony,

pointed Edward Hunloke his deputy; fometime afterwards a commission was sent to John Tatham,

wh

colony, amongst whom it was agreed and resolved to be for the good of your country, and our own fecurity, that one amongst us should purchase from the heirs of Mr. Byllinge, all his, and their interest in property and government; and because my proportion of land was greater, or that they apprehended me capable of serving them, or to have more money at command, or because they had ever perceived me to be zealous and active to promote the good of the province: I was earnestly pressed and requested to make 'a purchase of the government and properties annexed thereunto, wherewith having complied, that I might demonstrate the disenterestedness of my undertaking; and that I did primarily propose the welfare and benefit of the people, and prefer it to my private advantage. I did many times proffer Mr. Penn, Mr. Ford and others, who pretend to understand most of your minds, what was for your good, and to be as it were kind of truftees for you: That if they would contrive any method, whereby the government might be legally and feverally invested in the proprietors, or people without a governor; or if they would find any person more fit to discharge the office of government, or who might prove more acceptable to the people than myself; I was willing to confign or reconvey all my estate, power, authority as I had received 'it and upon the same condition, not desiring the least advance beyond what they all know I had disburfed; but not finding any proposal to meet with any other return, than an invitation to proceed, and good wishes that I might therein prove fuccessful; and finding that all the proprietors in or near London, whom I could convene, were greatly fatisfied with my conduct, encourageing me to expect they would meet with like acceptance from the proprietors and inhabitants of West-Jersey: I thereupon thought fit to recommunicate unto you the whole transaction of this affair; as likewise what I expect from you the proprietors and inhabitants of West-Jersey; and what you may reciprocally challenge from me: I do therefore hereby give you to understand, that whereas all the gentlemen of the law, who have been hitherto consulted, do unanimously agree, that the government of the province of West New-Jersey, is legally in me as full as Pennsylvania in Mr. Penn, or East-Jersey in the proprietors there: I thereupon affumed the title of governor, and lay claim to the powers and authority thereunto annexed; and I am refolved by the affiftance of Almighty God, to exercise the jurisdiction by his royal highness, his last deed or grant unto me conveyed, with 'all integrity and faithfulness and diligence, for the benefit and welfare of those, over whom divine providence hath constituted me (under our sovereign) superintendant or chief overseer; always prefering publick emolument, before my own private advantage

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who being a jacobite; and as fuch by principle diffuslified, him the affembly rejected; on which the pro-

prietors

return's samplement or a sales were fiction the alternities advantage; and may I succeed in my undertakings, well or ill. according as I purfue or violate this resolution and engagement; and I am contented this my declaration be recorded, that it may continually reproach and condemn me if I ever recede therefrom. And whereas Mr. Byllinge, in his former concessions, thath given his confent, and ratified diverse laws in the faid grant, ifiled fundamentals; the first concerning liberty of conscience, the fecond, that no person shall be deprived of life, limb, estate, property, privilege, freedom, franchiles, without a due trial and judgment, passed by a jury of twelve good and lawfor men in the neighbourhood; the person excepting, if he please, against thirty-five, without any reason rendred, and more if he allign a jet cause: I hereby declare, that I do in my heart highly approve the faid fundamental laws and concessions, and am ready to confirm them; and withall, I do faithfully promife, that to the utmost of my ability, I will cause them to be most inviolably observed, as also those three fundamentals after mentioned. If your assembly shall defire the continuance of them, and that it appears, nothing is therein contained contrary to the laws of England, which extend to our colony; by the breach whereof, we inevitably expole ourselves unto the forseiture of our charter; which, next to the bleffing of God, and protection of our prince, is our greated comfort and security; and that you may all become fully satisfied: I do not intend to arrogate unto myself any absolute despotic power, I have thought fit to add, that whereas it is generally acknowledged by all intelligent difinterested persons, the government of England by a sovereign prince, upon weighty confiden rations of making or repealing laws, levying taxes, confulting with his parliament, is the best of constitutions, and diverse of our English plantations, having in imitation hereof joined with the governor an affembly or parliament: I do hereby declare my full and free approbation of fuch constitution in your province, and I shall confer upon your affembly, all the powers and privileges confistent with the ends or good government, the redreffing grievances, and promoting the peace and prosperity of the province; and I make my request you would with all convenient speed, transmit unto me your proposals, both in order unto the establishing a regular and durable method of convening assemblies, and what power you defire should be intrusted with them: And because assemblies have been hitherto convened only annually, except upon some solemn urgent occasion, it hath been customary for the governor or his deputy, to act in affairs of importance during the recess of assemblies, with the advice of a council, would defire you to give me to understand, how you expect and defire fuch council shall be chosen; whether you will acquiesce in

prietors sent a commission in 1692, to Andrew Hamil- A. D. 1685.

the governor's nomination, or whether you defire the affembly hould have any there in their election, also in case of fuccession . upon decease or misbehaviour ; and whether the council shall be annual, biennial or triennial, or during life; if understanding, faithful and diligent in discharging of their trust: I shall in all thefe, and any other particulars, which shall manifestly appear to make for publick utility, not only have a great deference for your opinion and advice, but readily comply with all your just reasonable expectation and requests. Thus having without referve or disguise; declared unto you my sentiments concerning government, I proceed to affairs of another nature; but of little less moment: It is the fixed persuasion of diverse intelligent persons, that your province hath deeply suffered, and is stinted in its growth for want of afcertaining its limits, and fixing a boundary between it, East Jersey, and New-York; that thereupon a subdi-'vision might be made of the country, into one hundred proprietaries, as was originally agreed; thereby appropriating unto every good purchaser his portion in specialty; I have inclosed an account of my transactions with the proprietors of East Jersey, many of whom being persons before well affected unto me, I have highly disobliged, upon my refusal to comply with their claim, upon the last pretended agreement; all which, and much more, if like occasion should require, I shall readily conflict with, and chearfully undergo, for the good of our little, yet unto me, dear community, which I shall love, cherish, and endeavour to support and maintain, as if they were members of my own private family: Laftly, I do confirm all those persons who were appointed by Mr. Byllinge, or chosen by the people in their respective places and employments, until I further learn from you the state of your colony, unless by some new advice and very extraordinary motives I should be obliged to make an alteration, which should it happen, you may all rest assured, I shall have a tender regard unto your welfare and fatisfaction: And now nothing remains befides our supplicating with united minds, the allwife God, to grant us the wifdom which is pure and peaceable, to enable us methodically to order our affairs with discretion; that we may act industriously, regularly, chearfully, in the feveral stations and employments his divine providence hath allotted us, confidering we are one body, and members one of another; thatno injury can happen to a part which will not redound in some to the hurt of the whole: For my own particular, I can appeal unto the fearcher of hearts, that I do fincerely and primarily defign the prosperity of your province, in its peace, security and plenty; and that it may be fo fettled, as that you may not only live happily during my administration, but that it may not be inthe power of any future governor, deriving from me, even to hinder the due execution, much less to repeal those laudable conflitutions :

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ton. 7. He was accepted and continued governor of West-Jersey, while it remained under the proprietary jurisdiction, the with some interruption in 1698, of which hereaster; being also some part of the time governor of both East and West-Jersey, and Pennsylvania.

Law against swords. &c. The year 1686, seems to have been a dangerous one in East-Jersey, if the law then passed against wearing swords was properly founded: According to that, several persons had received abuses, and were put in great fear

constitutions, which with your advice and affishance I hope to establish: And on your parts, I expect and promise myself a ready compliance with whatfoever shall be proposed for the publick good: That instead of factions and divisions, there be a generous emulation amongst you, who shall promote the welfare of our community: That you be mutually tenderly affectioned one towards the other; and though you may differ in opinions, concerning things of leffer moment, yet continue united in affection, as being fervants to the same God, subject to the same prince, and having one common interest; often remembering, that by unanimity and concord, diverse nations have been advanced from contemptible beginnings, unto great wealth and power; whereas by discord, mighty empires have been broken and ruined, without the accelfion of external force: That the God of peace and love would unite, preserve and prosper you, is the frequent, fervent, and "hall continue to be, the confiant request, of your most affectionate friend, DANIEL COXE.

September the 5th, 1687.

A. His falary in 1695 and 1696, was two hundred pounds a year governor of West-Jersey; but the salary in both East and West-Jersey seems in some periods, to have been rather occasional: In the latter province in 1697, provision was made for two hundred pounds by a law, with the following preamble, Being sensible of the many great services done by our present governor, Col. Andrew Hamilton, since his accession to the administration of the government of this province; and taking also into our consideration, the great charge that must attend any person in that post, and how little hath yet been done by us answerable to his merit and stations we find ourselves obliged in point of gratitude; and in testimons of our affection to him, and as a demonstration thereof, to offer a is hereaster expressed; and pray our governor's acceptance thereof from a poor people, whose good-will and regard to him is not to be measured by the value of our offering, but integrity of the offerers. The salary of the governor of Bast-Jersey in 1694, and 1696, was one hundred and fifty pounds per annum.

fear from quarrels and challenges; to prevent it for the future, none by word or message, were to make a challenge, upon pain of fix months imprisonment without bail or mainprize, and a ten pound fine; whoever accepted or concealed the challenge, was also to forfeit ten pounds; no person was to wear any pocker pistols, fkeins, stilladers, daggers or dirks, or other unufual weapons, upon pain of five pounds forfeiture for the first offence, and for the second to be committed; and on conviction imprisoned for fix months, and moreover to pay a fine of ten pounds; no planter was to go arm'd with fword, piftol, or dagger, upon penalty of five pounds. Officers, civil and military, foldiers in fervice, and ftrangers travelling upon lawful occasions, were excepted. This law for any thing that appears, is yet in force.

The fettlers in both West Jersey, and Pennfylvania, about the year 1687, were put to difficulties on account of food; their crops having in great part failed; feveral families had already spent their last feares and were forced to sublist on what was spared by such of their neighbours as were better provided , thefe were few in proportion to the mouths to be filled ! Some nigh the rivers had lived weeks upon fish, others wast forced to put up with herbs; but unexpectedly to many arrived a veffel from New-England to Philadelphia, laden with corn, which proved an agreeable supply's this veffel meeting with a good market others foon followed; fo that the fettlers were not afterwards expeled to the like necessity for want of food.

In this year, George Keith, surveyor-general of East-Jerley, by order of the proprietors there, attempted to run the division line between East and West-Jerley; line. pursuant to an award on the terms established in the

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Traversed by Chap-

man.

quintipartite deed. He began with a line from little Egg Harbour, north by west and three degrees five minutes more westerly, as the compass then pointed for a part; the line he run fixty miles in length, till he fell upon the corner of Dobie's plantation, on the fouth branch of Rariton: This, by order of the council of proprietors of West-Jersey, in or about the year 1721. was traverfed by John Chapman, efteemed a careful furveyor; upon the computation it appeared, that the line at the time of his traverse, was north fixteen degrees and forty three minutes west, which leaves a variation of two degrees and twenty three minutes in that thirtyfour years. The remaining part of Keith's line was from Dobie's plantation, along the rear of that and other tracts and plantations, as they were before patented and surveyed in right of the proprietors of the eaftern division of New-Jersey, until it intersects that part of the north branch of Rariton river, which defcends from a fall of water, commonly called and known by the Indian name of Allamitung, then running from that point intersection up the branch or ftream of the fall of Allamitung.

Upon the original running this line, the western proprietors thought too much of their best lands were Jurveyed to the eastward; and were uneasy with it.

In the fall 1688, the governors of East and West-1688. Jersey, on behalf of each division, entered into the following agreement.

London, September 5, 1688. It is agreed this day, by Dr. Daniel Coxe, governor of the province of West-Jersey, on behalf of himself, tween the and all the rest of the proprietors of that province, on the one part; and Robert Barclay, governor of the province of East-Jersey, on behalf of himself and all

Agreement begovernors Coxe and Barclay.

. See this deed, vol. i. of laws, p. 63, &c.

the rest of the proprietors of that province, on the other part; as followeth, viz.

A. D.

For the final determination of all differences, conscerning the deed of partition; and all other disputes and controversies about dividing the lands, and setling the bounds between East and West-Jersey,

'I. The line of partition run strait from little EggHarbour, to the most westerly corner of John Dobie's
plantation, as it stands on the south branch of Rariton
river, shall be the bounds so far between East and
West-Jersey, and shall not be altered; but remain as it
stands, on a printed draught of the proprietors lands,
surveyed in East-Jersey, and drawn by John Reid,
and since printed here.

'2. From thence to run along the back of the adjoining plantations, until it comes to James Dundals his
plantation; and from thence, at the most north westerly
part thereof, a line to lye down with a line on the
back of those plantations, and so to run north eastward,
till it touch the north branch of Rariton river, as it is
ftruck upon the map already; but saving the plantations already laid out, to be within the line, if they
happen to stand a little more westerly than that line
is marked.

3. 'From the north end of the line, where it touches 'Rariton north branch; thence forward the largest 'stream or current of water belonging to the said north branch, shall be the bound or partition; and so continuing along the same, unto the north end thereof, 'for the bounds so far.

4. 'From the said north end of the branch, a short strait line to run to touch the nearest part of Passaick river; and so following the course of that river, continuing Poquanick river, so long as it runs northerly or north westerly; those rivers still to be the bounds between both provinces; and if Poquanick river do not run far enough to the latitude of forty one degrees; then from the said river, a straight line to be run northward to the latitude; and that to

A. D. 1688. be the utmost north partition point, and from the faid point in a strait line due east to the partition point on Hudson's river, between East-Jersey and New-York: Provided always, that all plantations and tracts of land, laid out and surveyed, before this agreement arrives in East-Jersey, shall remain to the parties concerned; and the partition shall so run as to include them within East-Jersey bounds.

Laftly, Dr. Coxe doth covenant and promise, to make good the agreements above written, and warrant the title and quiet possession of all the lands so to be appropriated to the proprietors of East-Jersey, according to the limits and bounds abovementioned, against all persons that shall or may pretend, or claim any interest to any of the said lands, as West-Jersey \* proprietors: And Robert Barclay, doth covenant and promise, to make good the agreement above written, and warrant the title and quiet poffession of flands, fo to be appropriated, to the proprietors of West-Jersey, according to the limits and bounds \* abovementioned, against all persons that shall or may pretend or claim any interest to any of the said lands, \* as East-Jersey proprietors: For performance of all and every the respective articles and covenants herein mentioned; they do mutually bind themselves, each to the other, in the fum of five thousand pounds, tobe well and truly paid on the breach of any of the clauses 4 and covenants, herein before mentioned. In witness whereof, they have interchangeably fet their hands and feals, the day and year first above written.". Sealed and delivered ROBERT BARCLAY. in the presence of to be deson bist add and DAVID HEWLING. STEPHEN: LUCOCK.

Notwithstanding this agreement, and that the parties have at several times seemed desirous the line should

made with East-Jersey, in the line of division by Dr. Daniel Con-Revell's book. B. Secretary's-Office, Burlington, p. 233.

1688.

should be properly run out and fixed; the necessary preliminaries could never yet be fufficiently fettled; those of East-Jersey being thought by the western proprietors to have the advantage in every step hitherto taken; while they on the contrary, have not been wanting to alledge their reasons.p.

In order to keep the transactions relative to the divifion line together, we are necessarily brought forward in course of time, with respect to the manner of locating the proprietors lands in West-Jersey; the divisions and fub-divisions of shares had multiplied demands, and introduced a necessity for other measures than had been hitherto in practice; accordingly in 1687, the proprietors found it expedient to enter into the following agreement.

Whereas by experience it hath been found, that New methe concerns particularly relating to the proprietors thod of of the province of West New-Jersey, by reason of locating the great difficulty of getting them together, upon lands. ' feveral emergent occasions, have been greatly detrimental not only to the carrying on and progress of the same necessary and publick concerns, but also very chargeable and burthensome to the said proprietors, especially those of them who live at a great distance; and also complained of by the members of the general affembly, as taking up a great part of their time, in an affair particularly relating to the 'proprietors; and finding that the affair touching the publick concerns of the faid proprietors, may be carried on with far less charge and burthen to the whole, 'and with more effect by fuch number of persons, as by the proprietors shall be esteemed fit and qualified on their behalf, to transact and agitate their publick

p. To trace the proceedings relating to this line minutely, will be a talk proper for those immediately concerned; they are voluminous: To give an account of some more of the steps hitherto taken, a few papers are added in the appendix. Vid. appendix. Numb, iv. v. vi. vii.

A. D. faffairs as proprietors: We therefore, underwritten 2688, proprietors of the province aforesaid, being met together at Burlington, in the same province, this fourteenth day of the twelfth month, anno 1687, by a general appointment of the same proprietors: do therefore unanimoully agree together as followeth, (viz.) That eleven proprietors within the faid province, shall be yearly and every year, nominated, elected and chosen, by and amongst the faid proprietors, to be commissioners and trustees at a day certain; fix whereof in the county of Burlington, and five within the county of Gloucester, in the province aforefaid; who shall be, and are impowered to act and plead in all fuch affairs, as do, and shall generally concern the body of the faid proprietors of the same province, as fully and effectually as if the whole body of the same proprietors were together, and should personally do, and conclude the same; which act and acts, thing and things, by the same commissioners and trustees for the time being, so from time to time to be done and performed as aforefaid, we the faid proprietors do hereby ratify, establish and confirm; and we do hereby nominate and appoint our trufty friends Samuel Jenings, Thomas Olive, William Biddle, Elias Farr, Mahlon Stacy, Francis Davenport, Andrew Robeson, William Royden, John Reading, William Cooper, and · John Wills, commissioners and trustees for the year e next enfuing, to do, act and officiate in the affair aforesaid, until the tenth day of the second month, anno domini 1688; and we do hereby agree and appoint, that each and every of the faid commissioners and trustees now elected and chosen, and from time to time hereafter to be elected and chosen, shall have and be allowed two shillings per day, for each and every day they shall be concerned to act in the affair aforesaid; the same to be paid by the proprietors of the province proportionably to their respective shares of the faid province. In testimony whereof, we the proprietors of the province aforesaid, have to this 'instrument

instrument, in this and the schedule hereunto affixed, A. fl. A put purchands, dated the fourteenth day of the rode. twelfth month called February, anno domini 1683.7

At a meeting of the proprietors at Burlington, this fixth of the feventh month, in the year 1688; it is agreed, that five of the commissioners shall be a quo-'rum in all their meetings, and shall have power to 'act in as full manner as if the whole number of eleven were prefent; and it is further agreed, that the faid commissioners shall meet at least once a quarter, the day after each quarter fessions.

Thomas Hutchison, Christopher Wetherill, Thomas John Pancoast, Henry Grubb, John Thomas Barton, John Woelston, Robert Butcher, Tatbam, Turner, Thomas Budd, George Hutchinson, John Dayes, John Shinn, Henry Wood, John Kay, Thomas . Matthews, Thomas Sharp, Isaac Marriot, Bernard Devonish, Samuel Oldale, Thomas French, Percival Towle, Frncis Collins, Thomas Gardiner, Daniel, Wills, William Myers, Anthony Elton, John Hugg, Richard Herritage, William Bate, William Alberson.

'An instrument of the same form and date, signed in Gloucester county, by Woolla Dalbo, William 'Cooper, William Alberson, John Ladd, John Hugg, jun. John Wills, Thomas Sharp, John Rambo, Robert Zane, James Atkinson, Francis Collins, Thomas Thackera, John Hugg.

'Indorfed on the back fide.

'We the within subscribers, do approve of, ratify and confirm the persons within mentioned, to serve as our representatives for the year ensuing, with these 'alterations following, viz. instead of Mahlon Stacy and Francis Davenport, that John Tatham and George Hutchinson, be elected and serve in their flead; and in place of William Cooper, Thomas Gardiner, jun. is elected to serve in his stead; and that instead of eleven trustees, there shall be but nine for the year enfuing; five of which shall make a quorum: All which is confented to, concluded,

A.D. sand agreed upon, this first of the first month, at 1688. Gloucester, anno 1688, by the proprietors within fubscribed.

> On this agreement with fome little variations after. wards, is founded the present constitution of the council of proprietors of West-Jersey; the following minutes. being some of their first proceedings thereafter, shows their method and practice for some time after the estab. lishment of the said constitution.

> At a meeting of feveral proprietors of West-Jerfey, ar Burlington, on the fixth day of the feventh month, anno domini 1688.

of W. Jer-Ley council tors.

. It was then and there debated, and being put to Minutes the vote, agreed by the proprietors then present, that 'every proprietor, and every person interested in of propries ' proprieties, shall pay to the use of Daniel Coxe, to any person appointed to receive it, as a reimbursment for the money laid out by him, in the Indian ourchafe lately made in the lower counties, the fun of twelve shillings and fix pence for every thousand acres, and so proportionably to be taken up out of that purchase; the first year to begin the first day of

· April last past, and from that time twelve months, to advance eighteen pence upon every year ensuing until the time that the money aforefaid be paid for;

the land to be laid out within the bounds of the fame purchase, as confideration for the monies disbursed by the said Daniel Coxe in the said Indian purchased

the whole tract, which, by the surveyor Andrew Robefon, is computed to be three hundred thousand

acres of good land, capable and worthy of improve ments; which money being paid, the party to paying

fhall be acquitted of all other payments on the confideration aforefaid.

2. That the surveyor for the time being by engaged not to fet out any land within the limits of this Indian purchase, until the money abovement oned be paid and secured as abovesaid.

4 3. And

4 and it is further agreed, that for the land taken up by order of the said Dr. Coxe, above the salls of Delaware, every proprietor taking up any part theresof, shall pay to Dr. Coxe, or his order, the sum of twenty-five shillings per thousand acres, and two shillings and six pence yearly consideration, till the money be paid.

At a meeting of the council of proprietors, being nominated, elected and constituted by the proprietors of the province of West-Jersey, to negotiate their affairs for the year ensuing, held at Burlington, the eighteenth day of September, anno domini 1688.

'Elected, Thomas Olive, Andrew Robeson, Samuel Jenings, Francis Davenport, William Biddle, Mahlon Stacy, William Roydon, William Cooper and John Reading; five of which shall make a quorum.

'Present at this meeting, these persons; Thomas Olive, Andrew Robeson, Samuel Jenings, William Biddle, Francis Davenport, William Roydon, William Cooper, Thomas Olive, president,

'Imprimis, It is agreed, ordered and concluded by authority of the council above aid, That Samuel Jenings be, and is hereby appointed commissioner, to examine all deeds, taking a minute of the same, and issue warrants to the surveyor general, for the surveying and taking up of lands; keeping a record of the same, and this for the inhabitants within the county of Burlington, or to any others as occasion shall require.

'2. It is likewise agreed and ordered, that John 'Reading shall perform the same service, for the inhabitants within the county of Gloucester; and to all others as occasion shall require.

'3. And it ordered and appointed, that for the support of their service, every warrant for land under one hundred acres, shall pay the sum of one shilling; and one hundred acres and above, under one thousand, shall pay the sum of eighteen pence; and one thousand acres and upwards, shall pay the sum of two shillings and six pence.

4. And

A. D. 1688. 4. And it is farther ordered, that the fold semuel Jenings and John Reading, shall upon demand of this council, at any time, deliver into them a copy of their faid minutes by them taken from time to time

frity aforesaid, that Andrew Robeson, the surveyor general, shall from time to time, upon demand of this council, make return to them of all warrants executed by him, that have not been returned before.

6. And it is likewise ordered and apponted by this council, That Mahlon Stacy, John Day, William Wood and John Hollinshead, shall be rangers for the county of Burlington and upwards; and John Kay, Thomas Sharp and Israel Helme, jun. shall be rangers for the county of Gloucester, for the year

enfuing.

or persons whatsoever, shall prefume to purchase any land from the Indians, without the consent of this council first obtained, otherwise to be prosecuted as our common enemy.

"The council adjourns until the fourth day of No-

' vember next.

At a meeting of the council of proprietors in Burlington, upon the tenth day of eighth month, anno 1688.

'Present in council, Thomas Olive, president.
'Andrew Robeson, William Biddle, Samuel Jen-

· Imprimis, whereas John Skene is appointed by the

ings, William Royden, John Reading.

application to the council, to know their pleasure therein.

The council have, and do order, that all records relating to government, may be delivered according

1688.

to the fecretary's order; but fuch as relate to lands, they judge to be the proprietors property, and that they ought to abide and remain with them, and hope the governor is already fatisfied therewith.

The council adjourns till the fixth hour in the

morning, on the rath day.

The eleventh of the eighth month.

Agreed and concluded, that all deeds granted only by Edward Byllinge, in and before the year 1682, · shall be adjudged and esteemed insufficient for the commissioners to grant warrants upon.

. The form of the commissioners commission.

A. B. thou art bereby authorized, by the power and order of the council of proprietors, to be commissioner for the county of for the examining of deeds, and granting warrants, for the taking up of lands within the province of West-Jersey; well and faithfully in all things discharging thy said office; and the trust in thee reposed, according to the instructions berewith fent; to the best of thy skill, and understanding. Given under my band and feal, the Ge.

Instructions for the commissioners to observe and follow, in their examining of deeds, and granting

of warrants for the taking up of lands,

1. Agreed and ordered by the council aforefaid, that the commissioners grant no warrants, but upon the producing of good deeds, authentic copies, or an extract of the record of such deed under the 

'2. That all deeds granted only by Edward Byllinge, in and before the year 1682, shall be accounted insufficient for the commissioners to grant warrants

upon. I mir ia the or abell walke '3. That there shall be given a particular warrant

for every several deed, or particular purchase.

4. That the prefident of the council for the time being, shall, from time to time, grant warrants for the commissioners, for the taking up of their of all records, rolls, are an delive about 100.

5. That

A. D. 1688. warrants to the furveyor-general for the laying forth of his own lands, but to fome other person, at the discretion of the commissioner that gives forth the warrant.

6. That every proprietor coming for a warrant, fhall first sign to an instrument, to be presented to them, for their compliance, to pay his, and their respective and proportionable share of such incident charge, for the management of the proprietors assisting, as in the said instrument here following, may further appear.

The form of the instrument to be figured by the proprietors before they have warrants granted for the

taking up of their lands.

We the subscribers having taken into consideration the necessity of the incident charges, that will attend the council of proprietors, in the employ and concern wherein we have placed, and constituted them, for the carrying on, and discharging of those inevitable charges that will follow upon the profecution of our affairs; we do therefore hereby bind, and oblige ourselves; each for himself, and not for one another, to comply with, and pay our proportions respectively of the aforesaid charges, as our said council shall from time to time give us an account of and find needful to be raised! In witness whereof we have hereunto set our hands, the &cc.

Ing, being the 12th day of October, Anno 1688.
The 12th day of the 8th month.

The council being met, they ordered the writing of a letter to the governor, to request the secretary to permit the records of lands to rest in the same hands they have formerly been; for a smuch as they conceive they properly belong to the proprietors.

The council likewise order another letter to the secretary, to signify the receipt of his warrant, by Thomas Revell and John Reading, for the delivery of all records, rolls, &c. and do desire the secretary,

that

that the records of lands may ftill remain in the faid Thomas Revell and John Reading's hands: But for other records that relate to government, may be difposed of according as he shall appoint.

We have before given a fummary of fome of the first laws published in the eastern and western divisions, while under proprietary management; from that time forward, till the furrender of the government, many others were passed in both; but being either framed to particular occasions, or afterwards in part repealed or supplied, and most of them of no great public concernment now, further repetition of them here was

thought unnecessary. -

In the year 1691, Dr. Coxe conveyed the government of West-Jersey and territories, to she West-Jersey Dr. Coxe society, consisting of the following persons: Sir to the Wa Thomas Lane, knt. Michael Watts, Edward Harri-Jersey for fon, Thomas Skinner, James St. Johns, Nicholas Hayward, Mordecai Abbot, Nicholas Batterfby, Robert Curtis, John Jurin, Richard Bramhall, Robert Mitchell, Charles Mitchell, James Boddington, John Gunfton, Arthur Shallet, John Lamb, William Wightman, Joseph Brook bank, William Thompson, Henry Harrington, John Love, Thomas Phipps, Isaac Cocks, John Sweetable, Thomas Bromfield, John Norton, Robert Hackshaw, John Bridges, Joseph Paise, Edward Richier, William Dunk, Edward Habberdfield, John Alberson, Edward West, Edward Pauncefort, Obadiah Burnet, Francis Michel, Benjamin Steele, John Slaney, Nehemiah Erwing, John Wilcocks, Richard Mayo, Jonah Netteeway, William Brooks, Tracey Pauncefort, Joseph Allen, and Richard Greenaway. Vid. the instrument, Revell's Book, B. Secretary's office Burlington. p. 298.

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## CHAP. XII.

A flood at Delaware falls: Death and character of I homas Olive, Thomas Gardiner, and John Woolston: Commotions in East and West-Jersey: Surrender of the two governments to queen Anne: Her acceptance thereof; and her commission to lord Cornbury.

A. D. 1692.

Flood in Belaware.

THE first settlers of the Yorkshire tenth in West-Jersey, had several of them built upon the low lands, nigh the falls of Delaware, where they had now lived, and been improving near fixteen years; they had been told by the Indians, their buildings were liable to be damaged by freshes, and the situation of the place must have made it probable: They had however, got up feveral wooden tenements and outhouses, which in the spring were accordingly generally demolished: The snows suddenly melting above, caused an uncommon overflow of the river; there have been many great floods fince, but none quite for high; it came upon them so unexpectedly, that many were in their houses surrounded with water, and conveyed to the opposite shore, by neighbours from thence, in canoes: The water continued rifing till it reached the upper stories of some of their houses, then most, or all of them gave way, and were dashed to pieces; many cattle were drowned; beds, kettles, and other furniture, were picked up on the shores below; the frights and damages were confiderable; two perfort in a house, carried away by the sweeping torrent, loft their lives before they could be got out. This accident taught the the owners here to fix their habitations on higher ground, and was what is commonly called the great flood at Delaware falls.

It was in the foring this year that the proprietors of West-Jersey first appointed col. Andrew Hamilton to be their governor de note en la landa de la landa d

A. D. 1601.

About this time also died Thomas Olive, who fince T. Olive, the first fettlement of West-Jersey, had been a man of importance there the came over one of the London commissioners in 1677, was sometime governor, in which station he behaved with great circumspection and prudence; while a common magistrate he had a ready method of builness, often doing it to good effect in the feat of judgment on the flumps in his meadows he contrived to postpone stidden complaints, till cool deliberation had fliewn thern to be justly founded, and then feldom failed of accommodating matters without much expence to the parties : He had been imprisoned and otherwise a sufferer for religion in England, and by his preaching and writing as well as other public and private conduct, had gained general love and efteem, which he merited to the last a robert . A de deserve

In September 1694, died Thomas Gardiner; he anived early at Burlington, went through feveral T. Gardipublick stations in West-Jersey with a good character, and confiderable knowledge in variety of business, nd was an exemplary member of fociety, civil and eligious:

In the beginning of 1698, died John Woolfton; 1698. ne of the first fettlers at Burlington, who had now or upwards of twenty years, through the fatigues of new fettlement, proved himfelf a ready friend and eighbour, and valuable member of fociety.

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We are now come to the year 1701; a memorable n in New-Jersey, on account of the disturbances nd confusions that violently agitated several parties

1701. Commd4

1 See his commission in book B. fecretary's office, Burlington,

and the change of government that followed in ton: fequence of them. Each province had many and different proprietors, who promoted feparate scheme and interefts; these fometimes interfered: To facilitate particular purposes, one party would have the choice and management of a governor, while another refued any but of their own nomination; and a third objected to proposals from either: Moderate councils could not be heard; a contaminating spirit of party and discord took place of order and peace; every expedient to restore union and regularity, proved unsuccessful; faction prevail'd, and particular animofities were nourished to that degree, that the delays of time sem'd only to give opportunity of accumulating freshood from of difguft and uneafines; a detail of particular would be an ungrateful, we hope an unnecessary talk, a few facts may fuffice as specimens of the whole: To come at thefe; we must go back to the spring 1698.

J. Bass.

A. Hamilton.

Jeremiah Bass, under a pretence of a commillion he had received from fome of the proprietors of Eat-Jersey, with the king's approbation, superceded Andrew Hamilton, the then governor of both East and West Jersey , but in the next year it appeared, that Bushad not obtained the king's approbation of his committee nor was it granted by enough of the proprietors to make it valid, which induced great numbers of the inhabitant to refuse obedience to him, and to the magistrates and officers by him appointed; fome perfons being impofoned for refuling obedience, it was referred by other with great indignation, and feuds and confusion follow ed: To accommodate matters for the prefent, Andres Hamilton was again appointed governor, by a fred commission from some of the proprietors; but a gra number refused obedience to him, and the magistra and officers under him, in like manner, and for the la reasons as they had refused Bass and those he appointed The

The diforders in the Eastern division during shis timey. made fuch an impression on the minds of many of the people, that they readily hearkened to overtures made for a furrender of government. A confiderable part of West-Jersey was also, for similar reasons, disposed to a refignation: The commotions in both, which had been increasing for fome years, now learned to be got to acrifis, and all things tended to a fdirender of the powers of government; which was at length brought about in the beginning of the next year.

Mean while diverse petitions and remonstrances were ent home, complaining loudly of their grievances and confusions; and praying redress: These and the proceedings in consequence of them, show the principal matters now to be found relating to the furrender and the measures they took to referve their privileges.

In 1702 the furrender was made by the following instrument, action of an entire of the state of the state of

Surrender from the proprietors of East and West-New-Jersey, of their pretended right of govern-

I imilion, the their governovyflejam rad on mem "

WHEREAS his late majesty king Charles the ferond, by his letters patents under the great feall of England. bearing date at Westminster, on or about the twelfth day of March, in the sixteenth year of his reigns did give and grant to James, then duke of York his heirs and assigns, all that part of the main land of New-England, beginning at a certain place called on known by the name of Saint Croix, next adjoining to New-Scotland, in America; and from thence extending. Tanger Lover of

Long before, according to the representation of the lords of thate, October 2, 1701. Title proprietors (fay they) of East-New-Jerley, did furrender their pretended right of government to king lanes; in the month of April, 1688; which was accordingly account by him. accepted by himself our cold boiles to our rach as a contest.

A Vid. Appendix, numb, viii. ix. x, xi, xii, xiii, xiv,

A. B. 1702.

extending along the fea coast unto a certain place called Pemaquod or Pemaquid, and fo up the river thereof to the furthest head of the same, as it tends northward; and extending from thence to the river of Kenibique; and so upwards by the shortest course to the river Canada, northward: And also all that illand or iflands, commonly called by the feveral name or names of Manowacks, or Long-Island, fituate, Wing and being towards the west of Cape Codd, and the Narrohiganfets, abutting upon the main land between the two rivers there, called or known by the . feveral names of Connecticut and Hudson's river: together also with the faid river called Hudson's river. and all the lands from the west fide of Connecticut river, to the east fide of Delaware bay! And also all those several islands called or known by the names of Martin's Vineyard, and Nantucks, or Nantucket; together with all the lands, islands, foils, rivers, harbours, mines, minerals, quarries, woods, marhes, waters, lakes, fifhings, hawkings, hunting and fowling; and all other royalties, profits, commodiand hereditaments to the feveral illands, lands and premises, belonging and appertaining, with their and every of their appurtenances; TO HAVE AND TO HOLD all and fingular the faid lands, islands, hereditaments, with their and every of their appurtenances, to the faid James duke of York, his heirs and affigns forever; to be held of the faid king, his heirs and fuccessors, as of his manor of East Great wich in Kent, in free and common focage, and not in capite or by knight's fervice; yielding and rendering therefore yearly and every year, forty beaverskins when demanded; or within ninety days after. And by the fame letters patents, the late king Charles the fecond, for himself, his heirs and successors, did give and grant to the faid James duke of York, his heis deputies, agents, commissioners and assigns, full and absolute power and authority, to correct, punish pardon, govern and rule all fuch fabjects of the fad king, his heirs and fuccessors, as should from time and a local property of the companies of policy

A. D. 1702,

to time adventure themselves into the parts and places aforefaid, or that should at any time then after inhabit within the fame, according to fuch laws, orders, ordinances, directions and infructions, as by the faid duke of York, or his affigns, thould be established; and in defect thereof, in case of necessity, according to the good directions of his deputies, commissionters, officers or affigns respectively, as well in all causes and matters, as well capital and criminal as civil, both marine and others; fo always as the faid flatutes, ordinances and proceedings, were not contrary, but as near as might be, agreeable to the laws 'and flatutes and government of the realm of Eng-'land; faving and referving to his faid majefty, his heirs and fuccessors, the receiving, hearing and determining, of the appeal and appeals of all, or any other person or persons of, in or belonging to the terintories or islands aforesaid, in or touching any judgment or fentence to be there made or given; and further, that it should and might be lawful to and for the faid duke of York, his heirs and affigns, from time to time, to nominate, constitute, ordain and confirm fuch laws as aforefaid, by fuch name or names or stiles, as to him or them shall seem good; and likewise to revoke, discharge, change and alter as well all and fingular governors, officers and miniflers, which then after should be by him or them thought fit or needful to be made or used within the aforesaid parts and islands; and also to make, ordain, and establish, all manner of orders, laws, directions, instructions, forms and ceremonies of government and magistracy, fit and necessary for and concerning the government of the territories and illands aforefaid, so always as the same were not contrary to the laws and statutes of the realm of England, but as near as might be, agreeable thereunto; and the fame at all times then after to put in execution or abrogate, revoke or change, not only within the precinct of the faid territories or islands, but also upon the feas in going and coming to and from the same, as he and they.

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A.D.

they in their good direction should think to be finest for the good of the adventurers and inhabitants there! And the late king did thereby grant, ordain and declare, that fuch governors, officers, minifers as from time to time fould be authorifed and appointed in manner and form aforefaid, should and might have full power and authority to use and exercise, marrial law, in cases of rebellion, infurrection and mutiny, in as large and ample manner as the lieutenants of his faid majesty in his counties of the realm of England had, or ought to have, by their commissions of hentenancy, or any law or statute of the faid realmof England. And the faid late king did thereby also for himself, his heirs and successors, grant to the faid fames duke of York, that it should and might be · lawful for him, his bejrs and affigns, in his or their ofcretions, from time to time, to admit fuch and formit e person or persons to trade and traffick unto and within the territories and iffands aforefaid, and into every of any part or parcel thereof, and to have process and enior any lands and heredicaments in the parts and places aforefaid, as they should think fit, according to the laws, orders, conflitutions and ordinances by the laid James duke of York, his heirs, depute, commissioners and alligns, from time to time to be made and established, by virtue of and according to " the true intent and meaning of the faid letters patent, "and under fuch conditions, refervations and agreements as the faid James duke of York; his heirs and affigns, should for down, order, direct and appoint; and not otherwife, And by the faid letters patent, the faid king did for himfelf, his heirs, and faccefor, grant to the faid James duke of York, his heirs and Haffigns, and to all and every fuel governor and governors, or other officers and ministers and by the litt Tames duke of York, his herrs or affigue, hould be appointed, with power and authority of government and command in or over the inhabitants of the lat retritories or Mands, that they and when of the hould, or lawfully might, from time to mit and a

tall times then after or for ever, for their leveral defence and fafety, encounter, expulse, repel and relift by force of arms, as well by sea as by land, and all ways and means whatfoever, all fuch person or persons as without the especial licence of the faid James, duke of York, his heirs or affigns, should attempt to inhabit within the feveral precincts and limits of the faid territories and iflands; and also all and every fuch perfon and perfons whatfoever, as fhould enterprize or attempt at any time then after, the destruction or invalion, detriment or annoyance to the parts, places or 'illands aforefaid, or any part thereof; as by the faid re-'cited letters patents duly enrolled, relation being thereunto had, more at large may appear. AND WHEREAS theestate, interest, right and title of the said James duke of York, in and to the provinces of East-Jer-'fey and West-Jersey; part of the premises by the faid recited letters granted, are by mean conveyances and 'affurances in law, come unto and vefted in or claimed 'amongst others, by Sir Thomas Lane, Paul Domi-'nique, Robert Mitchell, Joseph Brooksbank, Michael Watts, Edward Richier, John Norton, Ebenezer Jones, John Whiting, John Willcocks, John Bridges, 'Thomas Skinner, Benjamin Steel, Obadiah Burnet, Joseph Micklethwait, Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Collier, Lewis, Jo. Bennet, John Booker, Benjamin Nellon, James Wasse, Richard Harrison, John Jurin, Richard Greenaway, Charles Mitchell, Francis Mitchell, Tracy Paunceford, William Hamond, Ferdinando Holland, William Dockwra, Peter Sonmans, Joseph Grimston, Charles Ormston, Edward Antill, George Willocks, Francis Handcock, Thomas Barker, Thomas Cooper, Robert Burnet, Miles Foster, John Johnstone, David Lyell, Michael Hawdon, Thomas Warne, Thomas Gordon, John Barclay, Clement Plumftead, Gilbert Mollifon, and Richard Hafell, the prefent proprietors thereof; and they also have claimed, by virtue of the said letters patents and mean conveyances, to exercise within 'the

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the faid provinces for the governing the inhabitants thereof, all the powers and authorities for government granted by the faid letters patents to the faid duke and his heirs and affigns; but her majefty hath been advised. that they have no right nor can legally execute any of the faid powers; but that it belongeth to her majefly in right of her crown of England, to constitute governors of the faid provinces, and to give directions for governing the inhabitants thereof, as her majefy shall think fit: And the said proprietors being desir. ous to submit themselves to her majesty, are willing to furrender all their pretences to the faid powers of government, to the intent her majesty may be pleased to constitute a governor or governors of the same provinces, with fuch powers, privileges and authorities for the government thereof, and making of fuch laws there, with the consent of the assembly of the faid provinces, and her majefty's subsequent approbation thereof, as her majesty in her great wildom shall think fit and convenient. "WE THEREFORE the faid Sir Thomas Lane, Paul Dominique, Robert Michell, Joseph Brooksbank, Michael Watts, Edward Richeir, John Norton, Ebenezer Jones, John Whiting, Clement Plumftead, John Willcocks, John Bridges, Thomas Skinner, Benjamin Steel, Obadiah Burnet, Joseph Micklethwait, Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Collier, Thomas Lewis, Jo. Bennet, John Booker, Benjamia Nelson, James Wasse, Richard Harrison, John Jurin, Richard Greenaway, Charles Mitchell, Francis Mitchell, Tracy Paunceford, William Hamond Ferdinando Holland, Willam Dockwra, Peter Sonmans, Joseph Grimston, Charles Ormston, Edward Antill, George Willocks, Francis Handcock Thomas Barker, Thomas Cooper, Robert Burnett, Miles Foster, John Johnstone, David Lyell, Michael Hawdon, Thomas Warne, Thomas Gordon, John Barclay, Gilbert Mollison, and Richard Haell, &c. the present proprietors of the said provinces of East-Jersey and West-Jersey, for the consideration

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and to the intent aforefaid, have furrendered and yielded up, and by these presents for us and our heirs, do furrender and yield up unto our fovereign lady Anne, by the grace of God, queen of England, Scotland, France, and Ireland, defender of the faith, &c. her heirs and successors, all these the said powers and authorities to correct, punish, pardon, govern and rule, all or any of her majefty's subjects or others. who now inhabit, or hereafter shall adventure into or inhabit within the faid provinces of East-Jersey and West-Jersey, or either of them; and also to nominate, make, constitute, ordain and confirm any laws, orders, ordinances and directions and instruments for those purposes, or any of them; and to nominate, constitute or appoint, revoke, discharge, change, or alter any governor or governors, officers or minifters, which are or shall be appointed, made or used within the faid provinces or either of them; and to make, ordain and establish any orders, laws, directions, instruments, forms or ceremonies of government and magistracy, for or concerning the government of the provinces aforefaid, or either of them; for on the fea in going and coming to or from thence; or to put in execution, or abrogate, revoke or change fuch as are already made for or concerning fuch government, or any of them; and also all those the faid powers and authorities to use and exercise martial 'law in the places aforefaid, or either of them, and to admit any person or person to trade or traffick there, and of encountering, repelling and refifting by force of arms, any person or persons attempting to 'inhabit there without the licence of us the faid proprietors, our heirs and affigns, and all other the powers, authorities and privileges of or concerning the 'government of the provinces aforesaid, or either of them, or the inhabitants thereof, which were granted or mentioned to be granted by the faid recited letters patents, and every of them. In witness whereof, the persons abovenamed, have hereunto set their hands and feals, this fifteenth day of April, in the · year

year of our lord one thousand seven hundred and two; and in the first year of her majesty's reign. 1702. For the eastern division.

> Peter Sonmans; Joseph Ormston for myself, and f as proxy for Charles Ormfton, Edward Antill, and

George Willocks, and representative of Francis ' Hancock; Thomas Lane, Paul Dominique, Ro-

bert Mitchel, Joseph Brooksbank, E. Richier. Mi-

chael Watts, Clement Plumftead, Lewis Morris in the behalf of Robert Burnet; Miles Foster, John

' Johnstone, Michael Hawdon, John Barclay, David

Lyell, Thomas Warne, Thomas Gordon, Thomas Barker, Thomas Cooper, Gilbert Mollison, Henry

Adderly for Richard Hasel, of Barbados; Wil-

liam Dockwra. For the western-division.

' John Booker, John Whiting, John Willcocks, John Bridges, Thomas Skinner, Benjamin Steel, Obadiah

Burnet, Joseph Micklethwait, Thomas Lamb, Paul

Dominique, Francis Mitchel, Joseph Brookfbank, Michael Watts, Ed. Richier, John Norton, Eben.

' Jones, Benjamin Nellson, James Wasse, Richard Harrison, John Jurin, Richard Greenaway, Charles

' Mitchel, Francis Mitchel, Francis Paunceford, Wil-'liam Hamond, Ferd. Holland, Elizabeth Miller,

Benjamin Levy, Francis Minshall, Joseph Collins,

' Thomas Lewis, Jo. Bennet.

'Sealed and delivered by T. Lane, P. Dominique,

R. Michell, J. Brooksbank, M. Watts, E. Richier, J. Norton, E. Jones, J. Whiting, J. Willcocks, J.

Bridges, T. Skinner, B. Steel, O. Burnett, J. Mic-

klethwait, E. Miller, B. Levy, F. Minshall, J.

' Collier, T. Lewis, J. Bennet, J. Booker, B. Nellon, ' J. Wasse, R. Harrison, J. Jurin, R. Greenaway, C.

Mitchel, F. Mitchel, T. Pauncefort, W. Hamond,

F. Holland. And for the interest the proprietors

of West-Jersey, have in East-Jersey, The Lane, P.

Dominique, R. Mitchel, J. Brookfbank, E. Richier,

and M. Watts. Sealed and delivered by the aforelaid

persons in presence of us, L. Morris, toby Jonathan Greenwood. · Sealed

1702.

Sealed and delivered by William Dockwra, Peter Sonmans, Joseph Ormston, Thomas Barker, and Thomas Cooper, proprietors of East-Jersey, in the presence of us, Richard Bouts, Nathaniel Welch.

'Sealed and delivered by Gilbert Mollifon, in pre-

fence of us, Daniel Wild, Gilbert Falconer.

Sealed and delivered by Clement Plumftead, in presence of us, John Askew, Samuel Hannington.

Sealed and delivered by Henry Adderly, in pre-

fence of us, John Blackall, Thomas Gage,

'Sealed and delivered by Lewis Morris, in pre-'fence of, Aug. Graham, Richard Bibby.'

The QUEEN's acceptance of the furrender of government.

'At the court at St. James's, the 17th day of

PRESENT: The QUEEN'S most excellent majesty.

His Royal Highnels Earl of Radnor, a cont

Prince George of Earl of Berkely,

Denmark, Earl of Rochefter, Lord Keeper, Earl of Mariborough,

Lord Prefident, Earl of Bradford, The

Lord Steward, Earl of Romney,

Duke of Bolton, Earl of Ranelagh,

Duke of Schomberg, Lord Ferrers,

Duke of Lueds, Lord Godolphin,

Lord Great Chamber- Mr. Comptroller,

lain, who do be left of Mr. Vice Chamberlain,

Lord High Admiral, Mr. Secretary Vernon, Lord High Admiral, Mr. Chancellor of the Ex-

"Lord Chamberlain, ales, Jehequer, north light

Earl of Dorfer Lord Chief Justice,

Earl of Manchester, Sir Charles Hedges,

Earl of Stamford, Mr. Smith.

"Earl of Burlington, and later got de the demonstration,

This day the feveral proprietors of East and West New-Jersey, in America, did in person, present a deed of surrender by them executed under their hands and seals, to her majesty in council, and did acknow-

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Queen's

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A.D. 1702. Iedge the fame to be their act and deed; and humbly defire her majesty to accept the same, that it might be enrolled in the court of chancery, whereby they did furrender their power of the government of those plantations: Which her majesty graciously accepted, and was pleased to order, as it is hereby ordered, that the same be enrolled in her majesty's faid high court of chancery; and the faid instruments are to be delivered to Mr. Attorney General, who is to take care that the fame be enrolled accordingly.

Directly after the furrender, Edward lord viscount Cornbury Cornbury, grandfon to the great chancellor Clarendon, was appointed governor of New-Jersey; his commiffion was as followeth:

ANNE, by the grace of God, of England, Scot-Iand, France and Ireland, Queen, defender of the faith, &c. To our trusty and well beloved Edward Hyde, esquire, commonly called lord Cornbury, greeting: Whereas in the government of that country, which was formerly granted by king Charles the fecond, under the name of Nova-Cælaria, or New-Jersey, and which has fince been subdivided by the proprietors, and called East New-Jersey, and West New-Jersey, such miscarriages have happened, that the faid country is fallen into diforder and confufion; which has accordingly been represented to our dearest brother the late king, in feveral petitions, memorials and other papers, figned by the general proprietors, and by great numbers of the inhabitants; and by means of that disorder the publick peace and administration of justice, whereby the properties of our subjects should be preferved there, is interrupted and violated, and the guard and defence of that country fo totally neglected, that the fame is in imminent danger of being loft from the crown of England: And whereas the aforesaid proprietors being sensible that the faid country, and our good subjects the inhabitants thereof, cannot be defended and fecured by any other means then by our taking the government 4 of

of the fame under our immediate care, have excuted and made a formal and entire furrender of their right, or pretended right and title to the government of that country unto us? We therefore, repoling especial trust and confidence in the prudence, courage and loyalty of you the faid lord Cornbury, out of our especial grace, certain knowledge, and meer motion, hath thought fit to constitute and appoint, and by these presents do constitute and appoint you the faid lord Cornbury, to be our captain general and governor in chief, in and over the aforefaid country of Nova-Cæfaria, or New-Jersey, viz. the division of East and West New-Jersey, in America, which we have thought fit to reunite into one province, and 'fettle under one entire government: And we do hereby require and command you, to do and execute alf things in due manner that shall belong unto your faid 'command, and the trust we have reposed in you, 'according to the feveral powers and directions granted or appointed you by this present commission, and the inftructions and authorities herewith given you, or by fuch further powers, instructions or authorities as shall at any time hereafter be granted, or appointed 'you under our fignet and fign manual, or by our order in our privy council, and according to fuch reasonable laws and statutes as shall be made and agreed upon by you, with the advice and consent of the council and affembly of our faid province, under your government, in such manner and form as is hereafter expressed. And our will and pleasure is, that you the faid lord Cornbury, having after the proclamation of these our letters patents, first taken the oaths appointed by act of parliament to be taken instead of the oath of allegiance and supremacy, and the oath mentioned in an act, entitled, An all to declare the alteration in the oath appointed to be taken, by the ast, entitled, An ast for the further security of bis majesty's person, and the succession of the crown in the protestant line, and for the extinguishing the bopes of the pretended prince of Wales, and all other pretenders and

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and their open and secret abettors, and for the declarine the affociation to be determined; as also the telt mentioned in the act of parliament made in the twenty fifth year of the reign of king Charles the second, entitled. An act for preventing dangers which may happen from popifb recufants; together with the oath for the due execution of the office and trust of our captain gene-' ral and governor in chief, in and over our faid province of Nova-Cæfaria, or New-Jerfey, as well with regard to the equal and impartial administration of 'justice, in all causes that shall come before you, as otherwise; and likewise the oath required to be taken by governors of plantations, to do the utmost that the laws relating to the plantations be observed; all which our council in our faid province, or any three of the members thereof, have hereby full power and authority, and are required to administer unto you: and in your absence our lieutenant governor, if there be any upon the place; you shall administer unto each of the members of our faid council, as also to our lieutenant governor, if there be any upon the place; as well the oath appointed by the act of parliament to be taken instead of the oath of allegiance and fupremacy, and the oath mentioned in the faid act, entitled, An act to declare the alteration in the oath appointed to be taken by an act, entitled, Anall for the further security of his majesty's person, and the succession of the crown in the protestant line, and for extinguishing the bopes of the pretended prince of Wales; and all other pretenders, and their open and fecret abettors, and for declaring the affociation to be determined; as the forementioned test, and the oath for the due execution of their places and trufts. And we do hereby give and grant unto you, full power and authority, to suspend any of the members of our faid council from fitting, voting, and affifting therein, if you shall see just cause for so doing! And if it fhall at any time happen, that by the death, departure out of our faid province, or suspension of any of our · faid councellors, or otherwife, there shall be wanting

in our faid council, any three whereof we do appoint to be a quorum, our will and pleasure is, that you fignify the same unto us, by the first opportunity, that we may under our fignet and fign manual, conftitute and appoint others in their flead; but that our affairs may not fuffer at that instant, for want of a due number of councellors, if ever it should happen that there should be less than seven of them residing in our faid province, we do hereby give and grant unto you the faid lord Cornbury, full power and authority to chuse as many persons out of the principal freeholders, inhabitants thereof, as will make up the full number of our faid council to be feven, and no more; which persons so chosen and appointed by 'you, shall be to all intents and purposes councellors in our faid province, until either they shall be confirmed by us, or that by the nomination of others by us, under our fign manual and fignet, our faid council 'fhall have seven or more persons in it. And we do hereby give and grant unto you, full power and authority, with the advice and confent of our faid 'council from time to time, as need shall require, to fummon and call general affemblies of the freeholders and planters within your government, in manner and form as shall be directed in our instructions which 'hall be given you, together with this our commiffion. Our will and pleasure is, that the persons thereupon duly elected, by the major part of the freeholders of the respective counties and places so returned, and having before litting, taken the oaths appointed by act of parliament to be taken instead of the oaths of allegiance and supremacy, and the oath mentioned in the aforesaid act, entitled, An act to declare the alteration in the oath appointed to be taken by the act, entitled. An act for the further security of bis majesty's person, and the succession of the crown in the protestant line, and for extinguishing the bopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors; and far declaring the 'affaciation to be determined; as also the aforementioned ' test

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teft: Which oath you shall commissionate fit persons under our feal of Nova-Cæfaria, or New-Jerfey, to administer unto them, and without taking of which oaths and fubicribing the faid test, none shall be capable of fitting though elected, shall be called and held the general affembly of that our province, and that you the faid lord Cornbury, by and with the advice and consent of our council and affembly, or the major part of them respectively, shall have full power and authority to make, conflitute and ordain laws, statutes and ordinances, for the publick peace, welfare and good government of our faid province, and of the people and inhabitants thereof, and fuch others as shall refort thereto, and for the benefit of us, our heirs and fucceffors, which faid laws, flatutes, and ordinances are not to be repugnant, but as near as may be, agreeable unto the laws and flatutes of this our kingdom of England; provided that all fuch laws, statutes and ordinances, of what nature or duration foever, be within three months or fooner, after the making thereof, transmitted to us, under our feal of Nova-Cæfaria, or New-Jersey, for our approbation or disallowance of them, as also duplicates thereof by the next conveyance, or in cafe any or all of them being not before confirmed by us, shall at any time be difallowed and not approved, and fo fignified by us, our heirs or fucceffors, under our of their fign manual and fignet, or by order of our of their privy council, unto you the faid lord Cornbury or to the commander in chief of our faid province for the time being, then fuch and fo many of them as shall be disallowed and not approved shall from henceforth cease, determine, and become utterly void and of none effect, any thing to the contrary thereof notwithstanding. And to the end that nothing may be paffed or done by our faid council or affembly, to the prejudice of our heirs and fuccessors, we will and ordain, that you the faid lord Cornbury, shall have and enjoy a negative power in the making and paffing of all laws, statutes and ordinances as aforefaid. And & that

that you shall and may likewife from time to time, as you shall judge it necessary, adjourn, prorogue and diffolve, all general affemblies. Our will and pleafure is, that you shall and may use and keep the publick feal of our province of Nova-Cæfaria, or New-' Jersey, for sealing all things whatsoever that pass the great feal of our faid province under your government. And we do further give and grant unto you the faid lord Cornbury, full power and authority, from time to time, and at all times hereafter, by 'yourfelf, or by any other to be authorized by you in that behalf, to administer and give the oaths 'appointed by act of parliament, instead of the oath of allegiance and supremacy, to all and every such person and persons as you shall think fit, who shall 'at any time or times pass into our said province, or 'hall be resident or abiding there. And do further. give and grant unto you, full power and authority, with the advice and confent of our faid council, to 'erect, constitute and establish such and so many courts of judicature and publick justice within our said province under your government, as you and they shall think fit and necessary, for the hearing and determining of all causes as well criminal as civil, according to law and equity, and for awarding execution thereupon, with all reasonable and necessary powers, authorities, fees and privileges belonging unto them; and also to appoint and commissionate fit persons in the feveral parts of your government, to administer the oaths appointed by act of parliament to be taken. instead of the oath of allegiance and supremacy, and the oath mentioned in the aforesaid act, entitled, An all to declare the alteration in the oath to be taken by the all, entitled, An all for the further security of bis majesty's person, and the succession of the crown in the protestant line, and for the extinguishing the bopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the affociation to be determined; as also the test unto such persons as shall be obliged to take the same. And

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And we do hereby authorife and impower you, id constitute and appoint judges, and in cases requisite commissioners of over and terminer, justices of the peace, and other necessary officers and magistrates in out faid province, for the better administration of justice, and putting the laws in execution, and to administer, or cause to be administered unto them, fuch oath or oaths as are usually given for the due execution and performance of offices and places, and for the clearing of truth in judicial causes. And we do hereby give and grant unto you, full power and authority, where you shall see cause, or judge any offender or offenders in criminal matters, or any fines or forfeitures due unto us, fit objects of our mercy, to pardon all fuch offenders, and to remit all fuch offences, fines and forfeitures, treasons and wilful murder only excepted; in which case you shall likewise have power upon extraordinary occasions, to grant reprieve to the offenders, until and to the intent our royal plea-"fure may be known therein. And we do by these prefents, authorife and impower you to collate any person or persons to any churches, chapels or other ecclesiacal benefices within our faid province, as often as any of them shall happen to be void. And we do hereby give and grant unto you the faid lord Cornbury, by yourfelf, and by your captains and commanders by you to be authorifed, full power and authority to e levy, arm, muster, command and employ all persons whatfoever residing within our said province of Nova-"Cæfaria, or New-Jersey, and as occasion shall serve, them to transport from one place to another for the relifting and withstanding of all enemies, pirates, and rebels, both at fea and land, and to transport such forces to any of our plantations in America, if necessity fhall require, for the defence of the fame, against the invalion and attempts of any of our enemies, pirate and rebels, if there shall be occasion, to pursue and profecute in or out of the limits of our faid province and plantations, or any of them; and if it shall please God them to vanquish, apprehend and take, and

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being taken, either according to law to put to death, or keep and preferve alive at your discretion, and to execute martial law, in time of invalion, infurrection or war, and to do and execute all and every other thing and things, which to any captain general and governor in chief doth or ought of right to belong. And we do hereby give and grant unto you full power and authority, by and with the advice and consent of our faid council, to erect, raise and build in our faid province of Nova-Cælaria, or New-Jersey, 'fuch and fo many forts, platforms, castles, cities, boroughs, towns, and fortifications, as you, by the 'advice aforefaid, shall judge necessary, and the same, 'or any of them, to fortify and furnish with ordinance, ammunition, and all forts of arms fit and necessary for the security and defence of our faid province; and by the advice aforesaid, the same or any of them again to demolish or dismantle as may be most convenient. And forafmuch as many mutinies and disorders may happen, by persons shipped and employed at fea, during the time of war; to the end that fuch may be better governed and ordered, we do hereby give and grant unto you the faid lord Cornbury, full power and authority, to constitute and appoint captains, lieutenants, masters of ships, and other commanders and officers, and to grant unto fuch captains, lieutenants, masters of ships, and other commanders, and officers, commissions, to execute the law martial during the time of war, and to use such proceedings, authorities, corrections, executions, upon any offender or offenders who shall be mutinous, seditious, disorderly, or any ways unruly at fea, or during the time of their abode or relidence in any of the ports, harbours, or quays of our faid province, as the cause shall be found o require, according to martial law, during the time of war as aforesaid. Provided, that nothing herein ontained, shall be construed to the enabling you, rany by your authority, to hold plea or have any

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iurisdiction of any offence, cause, matter or thing committed or done upon the high fea, or within any of the harbours, rivers or creeks of our faid province under your government, by any captain, com-' mander, lieutenant, mafter, officer, feaman, foldier, or other person whatsoever, who shall be in actual fervice and pay, in or aboard any of our thips of war, or the veffels acting by immediate commission or warrant from our high admiral of England, under the feal of our admiralty, or from the commissioners for executing the office of our high admiral of England for the time being; but that fuch captain, commander, lieutenant, master, officers, seaman, soldiers, and other persons offending, shall be left to be proceeded against as the merit of their offences shall require, either by commission under our great seal of England, as the statute of the twenty-eighth of king " Henry the eighth directs, or by commission from our high admiral of England, or from our commissioner for executing the office of our high admiral of England, for the time being, according to the after oparliament passed in the thirteenth year of king Chark the fecond, entitled, An att for establishing article and orders, for the regulating and better government bis majesty's navy, ships of war, and forces by sa and not otherwise. Provided Nevertheless, th all diforders and misdemeanors committed on short by any captain, commander, lieutenant, mafter, of cer, feaman, foldier, or any other person what ever, belonging to any of our ships of war, or other e veffels acting by immediate commission, or warm from our high admiral of England, under the feal our admiralty, or from our commissioners for excu ing the office of high admiral of England, fortheting being, may be tried and punished according to thela and place where any fuch diforders, offences and m demeanors, shall be committed on shore, notes ftanding fuch offender be in our actual fervice and our pay on board any fuch our ships of war or ot veffels, acting by immediate commission or wan « from

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from our high admiral, or from our commissioners for executing the office of high admiral for the time being as aforefaid, fo as he shall not receive any protection for the delaying of justice, for such offences committed on shore, from any pretence of his being employed in our fervice at fea. Our will and pleafure is, that all publick money raised, or that shall be ' raised, by any act hereafter to be made within our faid province, and iffued out by warrant from you, by and with the advice and confent of our council, and difposed of by you for the support of the government, and otherwise; we do hereby give you the said lord Cornbury, full power and authority, to order and appoint fairs, marts, and markets, as also such and so many ports, harbours, quays, havens, and other places for the conveniency and fecurity of shipping, and for the loading and unloading of goods and merchandize, as by you, with the advice and consent of our faid council, shall be thought fit and necessary. And we do hereby require and command all officers and magifrates, civil and military, and all other the inhabitants of our faid province, to be obedient, aiding and affifting unto you the faid lord Cornbury, in the execution of this our commission, and of the powers and authorities herein contained; and in case of your death or absence out of our said province, to be obedient, aiding and affifting to fuch person as shall be appointed by us, to be our lieutenant governor or commander in chief of the faid province, to whom we do therefore by these presents, give and grant all and singular the privileges and authorities aforesaid, to be by him executed and enjoyed during our pleasure or until your arrival within our faid province: And if upon your death or absence out of our said province, there be no person upon the place commissionated or appointed by us to be our lieutenant governor, or commander in chief of the faid province; our will and pleasure is, that the then present council of our said province, do take upon them the administration of the government, and execute this commission, and the ' feveral

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' feveral powers and authorities herein contained, and that fuch councellor who shall be at the time of your death or absence, residing within our said province, and nominated by our instructions to you, before any other at that time residing there, do preside in our faid f council, with fuch privileges and preheminences as may be necessary in those circumstances, for the due and orderly carrying on the publick fervice in the admi-' nistration of the government as aforesaid, until our pleasure be further known, or until your return, LASTLY, we do hereby declare, ordain and appoint, that you the faid lord Cornbury, shall and may hold, execute and enjoy the office and place of captain general and governor in chief, in and over our province of Nova-Cæsaria, or New-Jersey, together with all and fingular the powers and authorities hereby granted unto you, for and during our will and pleafure, from and after the publication of this our commission. In witness whereof we have caused these our letters to be made patents: Witness ourself at Westminster, the fifth day of December, in the first year of our reign.

## CHAP. XIII.

Instructions from Queen Anne to Lord Cornbury.

Edward lord Cornbury, our captain general and governor in chief, in and over our province of Nova-Cæsaria, or New-Jersey, in America. Given at our court at St. James's, the sixteenth day of

Lord Corn bury's infructions. November, 1702, in the first year of our reign.

I WITH these our instructions you will receive our commission under our great seal of England, constituting you our captain general and governor in chief of our province of New-Jessey.

our faid province, and being there arrived, you are to take upon you the execution of the place and trust we have reposed in you, and forthwith to call together the following persons, whom we do by these presents appoint and constitute members of our council in and for that province, viz. Edward Hunloke, Lewis Morris, Andrew Bowne, Samuel Jenings, Thomas Revell, Francis Davenport, William Pinhorne, Samuel Leonard, George Deacon, Samuel Walker, Daniel Leeds, William Sandford, and Robert Quarry, esquires.

3. And you are with all due solemnity, to cause sour said commission under our great seal of England, constituting you our captain general and governor in chief as aforesaid, to be read and published at the said meeting of our council, and to cause proclamation to be made in the several most publick places of our said province, of your being constituted by us our captain general and governor in chief as

'aforesaid.

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'4. Which being done, you shall yourself take, and also administer to each of the members of our said council so appointed by us, the oaths appointed by ast of parliament to be taken instead of the oaths of allegiance and supremacy, and the oath mentioned in an act, entitled, An act to declare the alteration in the cath appointed to be taken by the act, entitled, An act for the further security of his majesty's person, and the succession of the crown of the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined; as also the test mentioned in an act of parliament

<sup>2.</sup> Quarry was faid to be of the council for five governments at one time, viz. New York, New Jersey, Pennsylvania, Maryland, and Virginia; he died about the year 1712. Beverly in his history of Virginia, p. 92, 96, 97, represents him as joining with Nicholfon, the then governor of that colony, in unfavourable representations against the colonies.

' liament made in the twenty fifth year of the reign of king Charles the second, entitled. An act for me.

king Charles the second, entitled, An act for preventing dangers which may happen from popish recu-

fants; together with an oath for the due execution of your and their places and trufts, as well with regard

to the equal and impartial administration of justice in all causes that shall come before you, as otherwise,

and likewife the oath required to be taken by gover-

nors of plantations, to do their utmost, that the laws

relating to the plantations be observed.

5. You are forthwith to communicate unto our faid council, such and so many of these our instructions, wherein their advice and consent are mentioned to be requisite, as likewise all such others from time to

time, as you shall find convenient for our fervice to

be imparted to them.

6. And whereas the inhabitants of our faid province have of late years been unhappily divided, and by their enmity to each other, our service and their own welfare has been very much obstructed; you are

therefore in the execution of our commission, to

avoid the engaging yourself in the parties which have

been form'd amongst them, and to use such impartiality and moderation to all, as may best conduce to our

fervice, and the good of the colony.

7. You are to permit the members of our faid council, to have and enjoy freedom of debate and vote, in all affairs of publick concern, that may be debated in council.

\* 8. And altho' by our commission aforesaid, we have thought fit to direct that any three of our councellors make a quorum, it is nevertheless our will and pleasure, that you do not act with a quorum of

less than five members, except in case of necessity.

9. And that we may be always informed of the names and characters of persons fit to supply the vacancies which shall happen in our said council, you

are to transmit unto us, by one of our principal secretary's of state, and to our commissioners for trade and

plantations, with all convenient speed, the names and

characters of fix persons, inhabitants of the eastern division, and fix other persons inhabitants of the western division of our said province, whom you shall esteem the best qualified for that trust; and so from time to time when any of them shall die, depart out of our said province, or become otherwise unsit, you are to nominate unto us so many other persons in their stead, that the list of twelve persons sit to supply the said vacancies, viz. six out of the east, and six out of the west division, as aforesaid, may be always compleat.

f aforesaid, and to our commissioners for trade and plantations, the names and qualities of any members by you put into our said council, by the first conve-

niency after your fo doing.

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fin. And in the choice and nomination of the members of our faid council, as also of the principal officers, judges, assistants, justices and sheriffs, you are always to take care that they be men of good life, and well affected to our government, of good estates and abilities, and not necessitous people or much in debt.

'12. You are neither to augment nor diminish the number of our said council, as it is hereby established, nor to suspend any of the present members thereof without good and sufficient cause: And in case of suspension of any of them, you are to cause your reasons for so doing, together with the charges and proofs against the said persons, and their answers thereunto (unless you have some extraordinary reason to the contrary) to be duly entered upon the council books; and you are forthwith to transmit the same, together with your reasons for not entering them upon the council books, (in case you do not enter them) unto us and to our commissioners for trade and plantations as aforesaid.

bers of our faid council, that if any of them shall at any time hereafter absent themselves, and continue

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absent above the space of two months together from our said province without leave from you, or from our governor or commander in chief of our said province, for the time being, first obtained; or shall remain absent for the space of two years, or the greater part thereof successively, without our leave given them under our royal sign manual; their place or places in our said council, shall immediately thereupon become void, and that we will forthwith appoint others in their stead.

'14. And in order to the better consolidating and incorporating the two divisions of East and West New-Jersey, into and under one government, our will and pleasure is, that with all convenient speed, you call together one general assembly for the enacting of laws for the joint and mutual good of the whole; and that the said general assembly do sit in the first place at Perth-Amboy, in East New-Jersey, and asterwards the same, or other the next general assembly, at Burlington, in West New-Jersey; and that all suture general assemblies do set at one or the other of those places alternately, or (in cases of extraordinary necessity) according as you with the advice of our foresaid council, shall think sit to appoint them.

council, shall think fit to appoint them. 15. And our further will and pleasure is, that the general affembly fo to be called, do confift of four and twenty representatives, who are to be chosen in the manner following, viz. two by the inhabitants houle holders of the city or town of Perth-Amboy, in East New-Jersey; two by the inhabitants householders of the city and town of Burlington in West New-Jerky; ten by the freeholders of East New-Jersey, and ten by the freeholders of West New-Jersey; and that no person shall be capable of being elected a representative by the freeholders of either division, or afterwards of fiting in general affemblies, who shall not have one thousand acres of land, of an estate of freehold, in his own right, within the division for which he shall be chosen; and that no freeholder shall be capable of voting in the election of such reprefer; tative

tative, who shall not have one hundred acres of land of an estate of freehold in his own right, within the division for which he shall so vote: And that this 'number of representatives shall not be enlarged or diminished, or the manner of electing them altered, otherwise than by an act or acts of the general affembly there, and confirmed by the approbation of us, our heirs and fucceffors. 4.

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w. This clause was soon altered as follows:

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Additional infructions to our right trufty and well beloved Edward 'lord Cornbury, our captain general and governor in chin' and over our province of Nova-Cæsaria, or New-Jersey America: Given at our court of St. James's, the third of May

1705, in the fourth year of our reign.

WHEREAS by a clause in our general instructions to you, for the government of our province of New-Jersey, the representatives for the general affembly of that province are appointed to be chosen as follows, viz. two by the inhabitants house holders of the city or town of Perth-Amboy, in East New Jersey; two by the inhabitants house holders of the city and town of Burlington, 'in West New-Jersey; ten by the freeholders of East New-Jersey, and ten by the freeholders of West New-Jersey: And it having been represented to us by you our governor, that several inconveni-encies have arisen from the aforesaid manner of chusing representatives; it is our will and pleasure, and you are accordingly to make the same known in the most publick manner, that the method for chusing representatives for the future be as follows, viz. two by the inhabitants house holders of the city or town of Perth-Amboy, 'in East New-Jersey, and two by the freeholders of each of the five counties of the faid division of East New-Jersey; two by the inhabitants housholders for the city or town of Burlington, in West New-Jersey; two by the inhabitants householders of the town of Salem, in the faid division, and two by the freeholders of each of the four counties in the faid division of West New-Jersey; which persons so to be chosen make up together the number of twenty four representatives, as limited by our former instructions. And it is our further will and pleasure, that no person shall be capable of being elected a representative by the freeholders of either division as aforefaid, or afterwards of fitting in general affemblies, who shall not have one thousand acres of land of an estate of freehold in his own right, within the division for what he shall be chosen, or personal estate in money, goods or chatte to the value of five hundred pounds sterling; and all inhabitants of our faid province being fo qualified as aforefaid, are hereby declared capable of being elected accordingly; And it is likewife our

A. D. 1702. collection to be made of all the laws, orders, rules, or fuch as have hitherto served or been reputed as laws amongst the inhabitants of our said province of Nova-Cæsaria, or New-Jersey, and, together with our aforesaid council and assembly, you are to revise, correct, and amend the same, as may be necessary; and accordingly to enact such and so many of them, as by you with the advice of our said council and assembly, shall be judged proper and conducive to our service, and the welfare of our said province, that they may be transmitted unto us, in authentic form, for our approbation or disallowance.

17. You are to observe in the passing of the said laws, and of all other laws, that the stile enacting the same, be by the governor, council and assembly, and no other.

18. You are also as much as possible to observe, in the passing of all laws, that whatever may be requisite upon

pleasure, that no freeholder shall be capable of voting in the election of fuch representatives, who shall not have one hundred acres of land of an estate of freehold in his own right, within the county for which he shall so vote, or a personal estate in money, goods or chattels, to the value of fifty pounds flerling; and all freeholders in our faid province being so qualified as aforefaid, are hereby declared capable of voting in the election of representatives; which number of representatives shall not be enlarged nor diminished, or the manner of electing them thereby directed, altered there, otherwise than by an act or acts of the egeneral assembly, to be confirmed by the approbation of us, our heirs and fuccessors. And whereas it may be inconvenient, that the governor and lieutenant governor of our faid province of New-· Jersey, for both of them to be absent from thence at the same time; it is our will and pleasure, that as soon as the general assembly of our said province shall have provided a house, and our · lieutenant governor with a convenient room for the meeting of our council, and fettled convenient falaries, which you are in our same to press them to do, that either you or our lieutenant governor, do constantly reside in our said province, and that you be not both absent at the same time: It is likewise our will and pleasure, that no fees be exacted or taken by any of the officers under you, for the grants of lands made by the agents of the proprietors; and the faid agents are to deliver to you in council, duplicates of all such grants to be registered in our council books.

tipon each different matter, be accordingly provided for by a different law, without intermixing in one and the fame act, fuch things as have no proper relation to each other; and you are especially to take care that no claufe or claufes be inferted in, or annexed to any act, which shall be foreign to what the title of

fuch respective act imports.

10. You are to transmit authentic copies of the forementioned laws that shall be enacted, and of all laws, statutes, and ordinances, which shall at any time hereafter be made or enacted within our faid province, each of them separately, under the publick seal, unto us, and to our faid commissioners for trade and plantations, within three months or by the first opportunity after their being enacted, together with duplicates thereof by the next conveyance, upon pain of our high displeasure, and of the forseiture of that 'year's falary, wherein you shall at any time, or upon any pretence whatfoever, omit to fend over the faid 'laws, flatutes and ordinances as aforefaid, within the time above limitted, as also of such other penalty as we shall please to inflict. But if it shall happen, that during time of war, no shipping shall come from our ' faid province, or other our adjacent or neighbouring plantations, within three months after the making fuch laws, flatutes, and ordinances, whereby the fame may be transmitted as aforesaid, then the said laws, flatutes and ordinances are to be fo transmitted as 'aforesaid, by the next conveyance after the making thereof whenever it may happen, for our approbation or difallowance of the fame.

'20. You are to take care, that in all acts or orders to be passed within that our province in any case for levying money or imposing fines and penalties, express mention be made that the same is granted or referved to us, our heirs or fuccessors, for the publick ules of that our province, and the support of the government thereof, as by the faid act or orders shall

be directed.

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21. And we do particularly require and command, that no money, or value of money whatfoever, be given or granted by any act or order of affembly, to any governor, lieutenant governor, or commander in chief of our faid province, which shall not according to the stile of acts of parliament in England, be ' mentioned to be given and granted unto us, with the 'humble defire of fuch affembly, that the fame be applied to the use and behoof of such governor, lieutenant governor, or commander in chief, if we shall fo think fit; or if we shall not approve of such gift or application, that the faid money or value of money, be then disposed of and appropriated to such other uses as in the said act or order shall be mentioned; and that from the time the same shall be raised, it remain in the hands of the receiver of our faid province until

our royal pleasure shall be known therein.

\* 22. You shall also propose with the said general affembly, and use your utmost endeavours with them, that an act be passed for raising and settling a publick revenue for defraying the necessary charge of the government of our said province, in which provision be particularly made for a competent salary to yourself, as captain general and governor in chief of our said province, and to other our succeeding captain generals, for supporting the dignity of the said office,

e as likewise due provision for the salaries of the respec-

tive members of our council and affembly, and of

all other officers necessary for the administration of that government.

colonies or plantations should by virtue of any exemptions or other privileges whatsoever, be allowed to feek and pursue their own particular advantages, by methods tending to undermine and prejudice our other colonies and plantations, which have equal title to our royal care; and whereas the trade and welfare of our province of New-York, would be greatly prejudiced, if not intirely ruined, by allowing unto the inhabitants of Nova-Cæsaria, or New-Jersey, any

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any exemption from those charges, which the inhabitants of New-York are liable to; you are therefore in the settling of a publick revenue as before directed, to propose to the assembly, that such customs, duties and other impositions be laid upon all commodities imported or exported in or out of our said province of Nova-Cæsaria, or New-Jersey, as may equal the charge that is or shall be laid upon the like commodities in our province of New-York.

24. And whereas we are willing in the best manner to provide for the support of the government of our faid province, by fetting apart fufficient allowances to 'fuch as shall be our governor or commander in chief, 'refiding for the time being within the fame; our will and pleasure therefore is, that when it shall happen, that you shall be absent from the territories of New-Jersey and New-York, of which we have appointed 'you governor, one full-moiety of the falary and of all 'perquisites and emoluments whatsoever, which would otherwise become due unto you, shall, during the time of your absence from the said territories, be paid 'and fatisfied unto fuch governor or commander in chief who shall be refident upon the place for the time being, which we do hereby order and allot unto him towards his maintenance, and for the better fupport of the dignity of that our government.

fervice and the fecurity of our faid province under your government by your absence from those parts, without a sufficient cause and especial leave from us; for prevention thereof, you are not upon any pretence whatsoever, to come to Europe from your government, without first having obtained leave for so doing, under our signet and sign manual, or by our

order in our privy council.

'26. You are not to permit any clause whatsoever to be inserted in any law for the levying money, or the value of money, whereby the same shall not be made liable to be accounted for unto us here in England, and to our high treasurer, or to our commissioners of our treasury for the time being.

'27. You

of all receipts and payments of all furthmostly to duly kept, and the truth thereof attested upplouth, and that the faid books be transmitted every historial or oftner, to our high treasurer, on to but commit fioners of our treasury for the time being, and thour commissioners for trade and plantations, and duplicates thereof by the next conveyance; in which books shall be specified every particular sum raised or disposed of together with the names of the persons to whom any payment shall be made, to the end we may be satisfied of the right and due application of the revenue of our said provinces.

foever, to be iffued or disposed of otherwise than by warrant under your hand, by and with the advice and consent of our said council; but the affembly may be nevertheless permitted from time to time to view and examine the accounts of money, or value of money disposed of by virtue of laws made by them, which you are to signify unto them as there

shall be occasion.

'29. And it is our express will and pleasure, that no law for raising any imposition of wines or other strong liquors, be made to continue for less than one whole year; as also that all laws whatsoever for the good government and support of our said province, be made indefinite, and without limitation of time except the same be for a temporary end, which said expire and have its full effect within a certain time.

'30. And therefore you shall not re-enact any live which shall have been once enacted there by you, except upon very urgent occasions, but in he tale? more than once without our express consent, but 100 to

'in our faid province, whereby the price or value of the current coin within your government, (whether it be foreign or belonging to our dominions) may be altered, without our particular leave or direction for the same.

5 32. And

or do any act, by grant, settlement, or otherwise, whereby our revenue, after it shall be settled, may be lessened or impaired, without our especial leave or commands therein.

whatsoever, above the sum of ten pounds, not dispose of any escheats, fines or forfeitures whatsoever, until, upon signifying unto our high treasurer, or to our commissioners of our treasury for the time being, and to our commissioners for trade and plantations, the nature of the offence and the occasion of such sines, forfeitures, or escheats, with the particular sums or value thereof, (which you are to do with all speed) you shall have received our directions therein; but you may in the mean time suspend the payment of the said fines and forfeitures.

34. You are to require the fecretary of our faid province, or his deputy for the time being; to furnish you with transcripts of all such acts and publick orders as shall be made from time to time, together with a copy of the journals of the council, to the end the same may be transmitted unto us, and to our commissioners for trade and plantations as above directed, which he is duly to perform, upon pain of incurring

the forfeiture of his place.

'35. You are also to require from the clerk of the assembly, or other proper officer, transcripts of all the journals and other proceedings of the said assembly, to the end the same may in like manner be trans-

mitted as aforefald.

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'36. Our will and pleasure is, that for the better queing the minds of our good subjects, inhabitants of our said province, and for settling the properties and possessing proprietors of the soil under the first original grant of the said province, made by the late king tharles the second, to the late duke of York, or as articular purchasers of any parcels of land from the id general proprietors, you shall propose to the R 'general

A. D. 1702. general affembly of our faid province, the paffing of fuch act or acts, whereby the right and property of the faid general proprietors, to the foil of our faid province, may be confirmed to them, according to their respective rights and title; together with all such quit-rents as have been referred, or are or shall become due to the faid general proprietors, from the inhabitants of our faid province; and all fuch privileges as are express'd in the conveyances made by the faid duke of York, excepting only the right of government, which remains in us: And you are further to take care, that by the faid act or alls for be passed, the particular titles and estates of all the 'inhabitants of that province, and other purchaser claiming under the faid general proprietors, be confirmed and fettled as of right does appertain, under fuch obligations as shall tend to the best and speeded improvement or cultivation of the fame. Provint ALWAYS, that you do not confent to any act or ally to lay any tax upon lands that lie unprofitable.

937. You shall not permit any other person of persons besides the said general proprietors, or their agents, to purchase any land whatsoever from the

agents, to purchase any land whatsoever from the Indians within the limits of their grant.

38. You are to permit the surveyors and other priors appointed by the forementioned general proprietors of the soil of that province, for surveying and recording the surveys of land granted by and held of them, to execute accordingly their respective trusts: And possesses are likewise to permit, and if need be, aid and affile such other agent or agents, as shall be appointed by the faid proprietors for that end, to collect and record

the quit-rents which are or shall be due unto the from the particular possessor of any parees or refer of land from time to time. Province always

that fuch furveyors, agents or other officers appoint by the faid general proprietors, do not only the

of their respective offices or employments, and good and sufficient security for their so doing, but

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they likewise take the oaths appointed by act of parliament to be taken instead of the oaths of allegiance and supremacy; and the oath mentioned in the aforesaid act, entitled, An act to declare the alteration in the said appointed to be taken by the act, entitled, An act for the surther security of his majesty's person and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined; as also the forementioned test. And you are more particularly to take care that all lands purchased from the said proprietors, he cultivated and improved by the possessions thereof.

ig. You shall transmit unto us, and to our commissioners for trade and plantations, by the first opporunity, a map with the exact description of our whole territory under your government, and of the several

plantations that are upon it.

'40. You are likewise to send a list of officers employed under your government, together with all

publick charges.

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'41. You shall not displace any of the judges, uffices, sheriffs, or other officers or ministers within purfaid province; without good and fufficient cause to e fignified unto us, and to our faid commissioners for rade and plantations; and to prevent arbitrary remoalof judges and justices of the peace, you shall not tpress any limitation of time in the commissions hich you are to grant, with the advice and confent the council of our faid province, to persons fit for of employments, nor shall you execute yourself; by deputy, any of the faid offices, nor luffer any fions to execute more offices than one by deputy. 42. Whereas we are given to understand, that ere are several offices within our faid province inted under the great feel of England; and that our vice may be very much prejudiced by reason of the fence of the patentees, and by their appointing puties not fit to officiate in their stead; you are therefore

A. D. 1702.

therefore to inspect the faid offices, and to inquire into the capacity and behaviour of the persons now exercifing them, and to report thereupon to us, and to our commissioners for trade and plantations, what you think fit to be done or altered in relation thereunto; and you are upon the mifbehaviour of any of the faid patentees, or their deputies, to fospend them from the execution of their places, till you shall have represented the whole matter and received our directions therein; but you shall not by colour of any power or authority hereby or otherwise granted or mentioned to be granted unto you, take upon you to give, gran or diffuse of any office or place within our faid pro vince, which now is or shall be granted under the great feal of England, any further than that you ma upon the vacancy of any fuch office or place, or in pension of any such officer by you as aforesaid, pe in any fit person to officiate in the interval tilly fhall have represented the matter unto us, and too commissioners for trade and plantations as aforely ' (which you are to do by the first opportunity) till the said office or place be disposed of by us, heirs or fuccessors, under the great seal of England or that our further directions be given therein. 43. In case any goods, money, or other effect pirates, or piratically taken, shall be brought in, found within our faid province of Nova-Czelaria, · New-Jersey, or taken on board any ships or vel

New-Jersey, or taken on board any ships or vel you are to cause the same to be seized and seu until you shall have given us an account thereof, received our pleasure concerning the disposal of

fame: But in case such goods or any part of them perishable, the same shall be publickly sold and posted of, and the produce thereof in like many

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· fecured until our further order.

44. And whereas commissions have been granted unto several persons in our respective plantage.

America, for the trying of pirates in those parasitions to the act for the more effectual suppress.

piracy, and by a commission already sent to our

vince of New-York, you (as captain general and governor in chief of our faid province of New York) are empowered, together with others therein mentioned, to proceed accordingly in reference to our provinces of New-York, New-Jerley, and Connecticut; our will and pleafure is, that in all matters relating to pirates, you govern yourfelf according to the intent of the act and commission aforementioned; But whereas accessaries in cases of piracy beyond the seas, are by the fame act left to be tried in England, according to the statute of the second of king Henry he eighth, we do hereby further direct and require you to fend all fuch accessaries in cases of piracy in our aforesaid province of Nova-Caesaria or New-Jefey, with the proper evidences that you may have wainst them, into England, in order to their being tried here.

45. You shall not erect any court or office of judicature, not before erected or established, without our A STATE YOU SEE AS SETTING

especial order.

46. You are to transmit unto us and to our commissioners for trade and plantations, with all convenient speed, a particular account of all establishments of jurisdictions, courts, offices, and officers, powers, authorities, fees and privileges, which shall be granted or fettled within the faid province, by virtue and in pursuance of our commission and instructions o you our captain general and governor in chief of he fame, to the end you may receive our further direction therein.

47. And you are with the advice and confent of ur faid council, to take especial care to regulate all alaries and fees belonging to places, or paid upon mergencies, that they be within the bounds of modeation, and that no exaction be made on any occasion hatfoever; as alfo, that tables of all fees be pubckly hung up in all places where such fees are to be aid; and you are to transmit copies of all such tables fees to us, and to our commissioners for trade and lantations as aforesaid.

48. Whereas

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48. Whereas it is necessary that our rights and dues be preserved and recovered, and that speedy and effectual justice be administered in all cases relating to our revenue, you are to take care, that a court of exchequer be called and do meet at all such times as shall be needful, and you are to inform us and our commissioners for trade and plantations, whether our fervice may require that a constant court of excheques be settled and established there.

ber, freehold, or goods be taken away or harmed in our faid province, otherwise than by established and known laws, not repugnant to, but as much as ma

be, agreeable to the laws of England.

50. You shall administer, or cause to be admini fired, the oaths appointed by act of parliament tob taken instead of the oaths of allegiance and supremary s and the oath mentioned in the aforesaid act, entitled An all to declare the alteration in the oath appoints to be taken by the att, entitled, An att for the furth fecurity of bis majesty's person, and the succession of the crown in the protestant line, and for extinguishing bopes of the pretended prince of Wales, and all oth pretenders, and their open and secret abetters, and s declaring the affociation to be determined; as also the f forementioned test, to the members and officers the council and affembly, and to all judges, justice f and all other persons that hold any office or place trust or profit in the faid province, whether by vin of any patent under our great feal of England, otherwise, without which you are not to admit a e person whatsoever into any publick office, nor full those who have been admitted formerly to contin therein.

fall persons (except papists) so they may be contented with a quiet and peaceable enjoyment of the since of some solutions of the since of solutions of solutions

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do make a religious scruple of swearing, and by reason of their refusing to take an oath in courts of justice and other places, are or may be stable to many inconveniencies; our will and pleasure is, that in order to their ease in what they conceive to be matter of conscience, so far as may be consistent with good order and government, you take care, that an act be passed in the general assembly of our said province, to the like effect as that passed here in the seventh and eighth years of his majesty's reign, entitled, An ass, that the solemn assembly in the solemn of the people talled Quakers, shall be accepted, instead of an east in the usual form, and that the same be transmitted to us, and to our commissioners for trade and plantations as before directed,

that in the first settlement of the government of our said province, it may so happen, that the number of inhabitants sitly qualified to serve in our council in the general assembly, and in other places of trust of profit there, will be but small, it is therefore our will and pleasure, that such of the said people called quakers, as shall be found capable of any of those places or employments, and accordingly be elected or appointed to serve therein, may upon their taking and signing the declaration of allegiance, to us in the form used by the same people here in England, together with a solemn declaration for true discharge of their respective trusts, be admitted by you into any of the said places or employments.

commissioners for trade and plantations, of the prefent number of planters and inhabitants, men women and children, as well masters as servants, free and unfree, and of the slaves in our faid province, as also a yearly account of the increase or decrease of them, and how many of them are fit to bear arms in the militia of our said province.

55. You shall also cause an account to be kept of all persons born, christened and buried, and you

A. D. 1702. fhall yearly fend fair abstracts thereof town ander our commissioners for trade and plantations as aforesaid.

56. You shall take care, that all planters and chin.

fitian fervants, be well and fitly provided with farms, and that they be lifted under good officers, and when and as often as shall be thought fit, mustered and trained, whereby they may be in a better readinest for the defence of our faid provide under your government; and you are to endeavour to get an act pass'd, (if not already done) for appearitining the number of white servants to be kept by every planter.

frequency, nor unreasonableness of their marches; musters and trainings, be an unnecessary impediment

to the affairs of the inhabitants.

f 8. You shall not, upon any occasion whatsoever, establish, or put in execution, any articles of war, or other law martial, upon any of our subjects, inhabitants of our said province, without the advice and

confent of our council there: (100) 574 14 (45)

your commission, to execute martial law in time of peace upon soldiers in pay, and that nevertheless it may be necessary that some care be taken for the keeping of good discipline amongst those; that we may at any time think sit to fend into our said province, (which may properly be provided for by the legislative power of the same) you are therefore to recommend to the general assembly of our said province, that they prepare such act or law for the punishing of mutiny, desertion and salle musters, and for the better preserving of good discipline amongs the said soldiers, as may best answer those ends.

60. And whereas upon complaints that have been made of the irregular proceedings of the captains of some of our ships of war, in the pressing of seamen in several of our plantations; we have thought se to order, and have given directions to our high admiral accordingly, that when any captain on commander of any of our ships of war, in any of our said plantations.

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board our ships under their command, they do make their applications to the governors, and commanders in chief of our plantations respectively, to whom as vice admirals, we are pleased to commit the sole power of impressing seamen in any of our plantations in America, or in sight of any of them, you are therefore hereby required upon such application made to you, by any of the commanders of our said ships of war within our province of Nova-Calaria, or New Jersey, to take care that our said ships of war, be surnished with a number of seamen that may be necessary for our service on board them from time to time.

61. And whereas together with other powers of vice admiralty, byou will receive authority from our dearest husband prince George of Denmark, our high admiral of England, and of our plantations, upon the refufal or neglect of any captain or commander of any of our thips of war, to execute the written orders he shall receive from you for our fervice, and the fervice of our province under your government, or upon his negligent or undue execution thereof, to suspend him; fuch captain or commander from the exercise of his faid office of captain or commander, and to commit him into fafe custody 'either on board his own ship or elsewhere, at your discretion, in order to his being brought to answer for fuch refusal or neglect; by commission either under our great feal of England, or from our high admiral, or our commissioners for executing the office of our high admiral of England for the time being.

62. And whereas you will likewife receive directions from our faid dearest husband, as our high admiral of England, and of our plantations, that the captain or commander, so by you suspended, shall during such his suspension and commitment, be succeeded in his said office by such commission or warrant officer of our said ship, appointed by our said high admiral of England, or by our commissioners for executing

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the office of our high admiral of England for the time being, as by the known practice and discipline of our navy, does and ought to succeed him next as in case of death, sickness, or other ordinary disability happening to the commander of any of our ships of war and not otherwise, you standing also accountable for the truth and importance of the crime and missemeanor, for which you shall so proceed to the sufpending of such our captain or commander; you are not to exercise the said power of suspending any such captains or commanders of our ships of war, otherwise than by virtue of such commission or authority from our said high admiral; any former custom or

sufage to the contrary notwithstanding. 6 62. Whereas it is absolutely necessary, that we be exactly informed of the state of defence of all our plantations in America, as well in relation to the flores of war that are in each plantation, as to the forts and fortifications there, and what more may be necessary to be built for the defence and security of the fame; you are so foon as possible, to prepare an account thereof, with relation to our faid province of Nova-Cæsaria, or New-Jersey, in the most particular manner, and you are therein to express the present state of the arms, ammunition, and other ftores of war, either in any publick magazines, or in the hands of private persons, together with the frate of all places either already fortified, or that ' you judge necessary to be fortified for the security of our faid province; and you are to transmit the faid account to us, and to our commissioners for trade and plantations by the first opportunity, and other bike accounts yearly in the fame manner.

64. And that we may be the better informed of the trade of our faid province, you are to take especial care, that due entries be made in all ports in our faid province of all goods and commodities, their species or quantities imported or exported from thence, with the names, burden, and guns of all ships importing and exporting the same, also the names of their

their commanders, and likewife expressing from and to what places the said ships do come and go, a copy whereof the naval officer is to surnish you with, and you are to transmit the same unto us, or our high trea-

furer, or our commissioners of our treasury for the time being, and to our commissioners for trade and plantations quarterly, and duplicates thereof by the

next conveyance.

65. And whereas great losses have been sustained by our subjects, trading to our plantations in America, by ships failing from those parts without covoy, or without the company of other ships, which might protect them from our enemies, by which means many of them have been taken by the French in their return to England; to the end therefore the ships of our subjects may be the better secured in their return home, you are to take care that during this time of war, no ships trading to our province of Nova-Cæfaria, or New-Jersey; be permitted to come from thence to England, but in fleets, or under the convoy or protection of some of our ships of war, or at such a time as you shall receive notice from hence, of their meeting fuch convoys, as may be appointed for the bringing them fafe to some of our ports in this kingdom; and in case of any danger, you are to expect directions from hence, what precautions shall be further necessary for their security.

66. You are likewise to examine what rates and duties are charged and payable upon any goods imported or exported within our province of Nova-Cæsaria, or New-Jersey, whether of the growth or manufacture of the said province or otherwise, and to use your best endeavours for the improvement of

the trade in those parts.

67. And whereas orders have been given for the commissionating of fit persons to be officers of our admiralty and customs in our several plantations in America; and it is of great importance to the trade of this kingdom, and to the welfare of all our plantations, that illegal trade be every where discouraged.

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You are therefor to take especial care, that the estaof trade and navigation be duly put in execution;
and in order rhereunto, you are to give constant protection and all due encouragement to the said officers
of our admiralty and customs, in the execution of
their respective offices and trusts within our territories
under your government.

68. You are from time to time to give an account as before directed, what strength your bordering neighbours have, be they Indians or others, by sea and land, and of the condition of their plantations,

and what correspondence you do keep with them.

69. You shall take especial care, that God Almighty be devoutly and duly served throughout your government, the book of common prayer as by law established, read each sunday, and holy-day, and the blessed facrament administered according to the rites of the church of England.

built there, be well and orderly kept, and that more be built, as the colony shall by God's bleffing be improved; and that besides a competent maintenance to be affigned to the minister of e2ch orthodox church, a convenient house be built at the common charge for each minister, and a competent proportion of land affigned to him, for a glebe and exercise of his industry.

'71. And you are to take care, that the parishes be fo limitted and settled, as you shall find most convenient for the accomplishing this good work.

fiastical benefice in that our province, without a certificate from the right reverend father in God the lord bishop of London, of his being conformable to the doctrine and discipline of the church of England, and of a good life and conversation: And if any person already prefer d to a benefice, shall appear to you to give scandal either by his doctrine or manners, you are to use the best means for the removal of him, and to supply the vacancy in such manner as we have directed.

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minister within your government, be one of the vestry in his respective parish, and that no vestry be held without him, except in case of sickness, or that after the notice of a vestry summon do he omit to come.

'74. You are to enquire whether there be any minifler within your government, who preaches and
administers the facrament in any orthodox church or
chapel, without being in due orders, and to give
account thereof to the faid lord bishop of London.

75. And to the end the ecclefiaftical jurisdiction of the said lord bishop of London, may take place in our said province so far as conveniently may be, we'do think sit that you give all countenance and encourage ment to the exercise of the same, excepting only the collating to benefices, granting licences for marriages, and probate of wills, which we have reserved to you our governor and the commander in chief of our said province for the time being:

'76. And you are to take especial care, that a table of marriages established by the cannons of the church of England, be hung up in every orthodox church, and duly observed, and you are to endeavour to get a law passed in the assembly of our said province, (if not already done) for the strict observation of the

faid table.

debauchery, swearing and blasphemy, be discounted tenanced and punished: And for the further discountenance of vice, and encouragement of virtue and good living, (that by such example the insidels may be invited and defire to partake of the christian religion) you are not to admit any person to publick trusts and employments in our said province under your government, whose ill fame and conversation may occasion scandal.

78. You are to suppress the ingrossing of commodities as tending to the prejudice of that freedom which commerce and trade ought to have, and to

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A. D. fettle fuch orders and regulations thereis with the advice of the council, as may be most conducive to the benefit and improvement of that colonyis gain

79. You are to give all due encouragement and invitation to merchants and others, who shall bring trade unto our faid province, or any way contribute to the advantage thereof, and in particular the royal

African company of England

80. And whereas we are willing to recommend unto the faid company, that the faid province may have a constant and sufficient supply of merchantable Negroes, at moderate rates, in money or commodities; fo you are to take especial care, that payment

be duly made, and within a competent time according to their agreements.

81. And you are to take cares that there be no trading from our faid province to any place in Africa, within the charter of the royal African company, otherwise then prescribed by an act of parliament, entitled, An act to fettle the trade to Africa.

6 82. And you are yearly to give unto us, and to our commissioners for trade and plantations, an account of what number of Negroes our faid province is

yearly supplyed with, and at what rates.

83. You are likewise from time to time, to give unto us, and to our commissioners for trade and plantations as aforesaid, an account of the wants and defects of our faid province, what are the chief products thereof, what new improvements are made therein by the industry of the inhabitants or planters, and what further improvements you conceive may be , made, or advantages gained by trade, and in what manner we may best advance the same

84. You are not to grant commissions of marque or reprifals, against any prince or state, on their fubjects in amity with us, to any person whatsoever;

without our especial command.

85. Our will and pleasure is, that appeals be made in cases of error from the courts in our said province of Nova-Cæfaria, or New-Jerfey, unto you and the d council

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council there; and in your ablence from our faid province, to our commander in chief for the time being, and our faid council, in civil causes, wherein fuch of our faid council as shall be at that time judges of the court from whence fuch appeal shall be made to you our governor, and council, or to the commander in chief for the time being, and council as aforefaid, shall not be admitted to vote upon the faid appeal, but they may nevertheless be present at the hearing thereof, to give the reasons of the judgment given by them, in the cause wherein such appeal hall be made. PROVIDED NEVERTHELESS, that in 'all fuch appeals, the furn or value appealed for exceed one hundred pounds sterling, and that fecurity be first duly given by the appellant to answer such charges as shall be awarded in case the first sentence "be affirmed. Is the in a time wante to the it a sale in

'86. And if either party shall not rest satisfied with the judgment of you, or the commander in chief for the time being, and council as aforesaid; our will and pleasure is, that they may then appeal unto us, in our privy council, provided the sum or value so appealed for unto us, do exceed two hundred pounds sterling, and that such appeal be made within four-teen days after sentence; and that good security be given by the appellant, that he will effectually prosecute the same, and answer the condemnation, as also pay such costs and damages as shall be awarded by us, in case the sentence of you, or the commander in chief for the time being, and council, be affirmed. And provided also, that execution be not suspended by reason of any such appeal to us.

'87. You are also to permit appeals to us in council, in all cases of fines imposed for misdemeanors; provided the fines so imposed, amount to or exceed the value of two hundred pounds, the appellant first giving good security, that he will effectually prosecute the same, and answer the condemnation, if the sentence by which such fine was imposed in our said province of Nova-Cæsaria; or New-Jersey, shall be confirmed.

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88. You are for the better administration of justice, to endeavour to get a law passed (if not already done) wherein shall be set the value of men's estates; either in goods or lands, under which they shall not

be capable of ferving as jurors.

89. You shall endeavour to get a law pass'd for the restraining of any inhuman severity, which by ill mafters or overfeers, may be used towards their christian servants, and their flaves, and that provision be made therein, that the wilful killing of Indians and Negroes may be punished with death, and that a fit penalty be imposed for the maining of them:

' 90. You are also with the affistance of the council and affembly, to find out the best means to facilitate and encourage the conversion of Negroes and Indians,

to the christian religion.

91. You are to endeavour with the affiftance of the council to provide for the raising of stocks, and building of publick work-houses, in convenient places, for the employing of poor and indigent people.

'92. You are to propose an act to be passed in the affembly, whereby the creditors of perions becoming bankrupts in England, and having estates in our aforesard province of New-Jersey, may be relieved

and fatisfied for the debts owing to them.

'93. You are to encourage the Indians upon all occasions; fo as they may apply themselves to the English trade and nation, rather than to any other of

Europe.

into bee, unled entired to be all '94. And whereas the preservation of the northern frontiers of our province of New-York, against the attempts of any enemy by land, is of great importance to the fecurity of our other northern plantations on the continent of America, and more especially of our faid province of New-Jerfey, which lies to near adjoining to our province of New-York, and the charge of erecting and repairing the fortifications, and of maintaining the foldiers necessary for the defence of the fame, is too great to be borne by the 4 fingle

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fingle province of New York, without the contributions from others concerned them in for which realon, we have upon leveral occasions required fuch contributions to be made, and accordingly fettled a quota to regulate the proportions thereof; you are therefore to take further care, to dispose the general assembly of our said province of New-fersey; to the raising of such other supplies, as are or may be necessary for the defence of our province of New-York, according to the signification of our will and pleasure therein, which has already been made to the inhabitants of New-Jersey, or which shall at any time hereafter be made to you our governor, or to the commander in chief of our said province for the time being.

'95. And in case of any distress of any of our plantations, you shall upon application of the respective governors to you, assist them with what aid the condition and safety of your government will permit, and more particularly in case our province of New-York, be at any time attacked by an enemy, the affistance you are to contribute towards the desence thereof, whether in men or money, is according to the forementioned quota or repartition, which has already been signified to the inhabitants of our forestaid province under your government, or according to such other regulations as we shall hereafter make in that behalf, and signify to you or the commander in this of our said province for the time being.

of New-Jersey, you are to appoint fit officers and commanders in the several parts of the country bordering upon the Indians, who upon any invasion may raise men and arms to oppose them, until they

' shall receive your directions therein.

'ommission to direct, that in case of your death or absence from our said province, and in case there be at that time no person upon the place commissionated or appointed by us to be our lieutenant governor; or

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commander in chief, the then prefent council of our faid province, shall take upon them the administra-

tion of the government, and execute our faid com-

mission, and the feveral powers and authorities therein contained in the manner therein directed in

is nevertheless our express will and pleasure, that in

fuch case the said council shall forbear to pass any acts, but what are immediately necessary for the peace and

welfare of our faid province, without our particular

order for that purpose. w.

98. You

## w. This article was afterwards supplied as follows:

Anne R.

Additional instruction to our right trusty and well beloved Edward
lord viscount Cornbury, our captain general and governor in
chief of our province of New-Jersey, in America, and in his
absence to our lieutenant governor and commander in chief of
our said province for the time being. Given at our courtat

Kenfington, the third day of May, in the fixth year of our

reign, 1797. WHEREAS by a clause in our commission and instruction to you our captain general and governor in chief of our province of New-ferfey, it is directed, that upon your death or absence, in case there be no lieutenant governor appointed by us upon the place, that then the council do take upon them the administration of the government, and that the eldest councellor do preside as by the said commission and instructions is more particularly set forth; and we having observed, that this instruction has give occasion of many controversies and disputes between the president and the councellors, and between the councellors themselves and otherwise, in several of our plantations, to the great hindrance of the publick business, and the prejudice and disturbance of our fervice there; our will and pleasure therefore is, that if upon your death or absence there be no person upon the place commissionated by us to be our lieutenant governor or commander chief, the eldest councellor whose name is first placed in our said instructions to you, and who shall be at that time of your dank or absence residing within our said province of New-Jersey, hall take upon him the administration of the government and exceed our said commission and instructions, and the several powers and authorities therein contained, in the fame manner and to all int and purposes, as either our governor or commander in chief should or ought to do in case of your absence, or until your return, of in all cases until our further pleasure be known therem. So bid, ou heartily farewel.

By her majefty's command,

14 08. You are to take care, that all writs be iffued in our name throughout our faid province

og. Forasmuch as great inconveniencies may arise by the liberty of printing in our faid province, you are to provide by all necessary, orders, that no person keep any press for printing, nor that any book, pamphlet or other matters whatfoever be printed without

vour especial leave and license first obtained,

100. And if any thing shall happen that may be of advantage and fecurity to our faid province, which is not herein; or by our commission to you provided for, we do hereby allow unto you, with the advice 'and confent of our council of our faid province, to take order for the present therein, giving unto us by one of our principal fecretary's of state, and to our commissioners for trade and plantations, speedy notice thereof, that so you may receive our ratification if we shall approve of the same.

101. PROYIDED ALWAYS, that you do not by 'any colour of any power or authority hereby given you, commence or declare war, without our know-'ledge and particular commands therein, except it be

against

the mention and the party state. The following inftruction relates also to the council, and bears date in the fame year.

ANNE R.

Right trufty and well beloved, we greet you well: Whereas we are fenfible that effectual care ought to be taken to oblige the members of our council to a due attendance therein, in order to prevent the many inconveniencies that may happen from the want of a quorum of the council to transact business as occasions require; it is our will and pleasure, that if any of the members of our faid council shall hereafter wilfully absent, themselves when duly summoned, without a just and lawful cause, and shall persist therein after admonition, you suspend the said councellors so, ablenting themselves till our further pleasure be known, giving as timely notice thereof; and we hereby will and require you that our royal pleasure be fignified to the several members of our council in New-Jersey, and that it be entered in the council books of our faid province as a standing rule; so we bid you farewel. Given at our court of Kensington, the twentieth day of November, 1707, in the fixth year of our reign.

By her majefly's commmand; Sunderland;

A. D. 17021 against Indians, upon emergencies, wherein the confent of our council shall be had, and speedy notice

e given thereof unto us as aforefaid.

102. And you are upon all occasions to fend unto es by one of our principal fecretary's of state, and to our commissioners for trade and plantations, a particular account of all your proceedings, and of

the condition of affairs within your government. 109. And whereas the lords spiritual and temporal in parliament, upon confideration of the great abuses practifed in the plantation trade, did by an humble address, represent to his late majesty, the great importanceit is of, both to this our kingdom and to our plantations in America, that the many good laws which have been made for the government of the faid plantations, and particularly the act passed in the feventh and eighth years of his faid majefty's reign, entitled, An act for preventing frauds, and regulating abuses in "the plantation trade, be frictly observed. You are therefore to take notice, that whereas notwithstanding the many good laws made from time to time, for pree venting frauds in the plantation trade, it is nevertheles manifest, that very great abuses have been and continue still to be practifed to the prejudice of the fame, which abuses must needs arise, either from the infole vency of the persons who are accepted for the security or from the remissness or connivance of such as have been, of are governors in the feveral plantations, who ought to take care, that those persons who give bond flould be duly profecuted, in case of non perform ance; we take the good of our plantations and the improvement of the trade thereof, by a find and punctual observance of the several laws in force concerning the fame, to be of fo great importance to the benefit of this our kingdom, and to the advancing of the duties of our customs here, that if we shall be hereafter informed, that at any time there hall be any failure in the due observance of those laws, within our foresaid province of Nova-Cæsaria, or New Jersey, by any wilful fault or neglect on your part, we shall

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look upon it as a breach of the trust reposed in you by us, which we shall punish with the loss of your place in that government, and fuch further marks of our displeasure, as we shall judge reasonable to be inflicted upon you, for your offence against us in a matter of this confequence, that we now to particut 'larly charge you with.'

## CHAP XIV.

Observations on Lord Cornbury's instructions, and the privileges originally granted to the fettlers, with abstracts of some of them.

I. IT is apparent, from the whole tenor of the application from the proprietors, that they had tions. constantly in view the reservation of the principal privileges they enjoyed; and that their meaning was only to part with the powers of government; accordingly in the instrument of furrender, nothing appears to be refigned but thefe; their endeavours therefore to stipulate expressly for a fresh confirmation of particular privileges, feems to have been owing to an unnecessary distincences hey were however fo far indulged, that a draught of the oregoing commission and instructions was prepared and shewn to them for their acquiescence, conformables o what the Lords of trade in their representation of Ollober 2, 1701, had proposed ...

§ II. After the lords commissioners for trade and plantations had prepared a draught of the commission. id instructions for a new governor, they referred it ofir Thomas Lane, and the proprietors, in the words ollowing;

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## THE HISTORY

Sir, Whitehall, November 14, 1701.

I am commanded by the lords commissioners for trade and foreign plantations, to fend you the inclosed draught of a commission and instructions for a governor for his majesty's province of New Jersey, prepared by order of their excellencies the lords justices, that you may communicate the same to the proprietors of both the divisions of East New-Jersey, and West New-Jersey, for their observation thereupon; which their lordships defire may be made and returned to them with all convenient speed, in order to such further proceedings as shall be found necessary, for the settling that province in a due form of government.

I am, fir, your most humble servant.

To fir Thomas Lane, Knight and Alderman'.

§ III. The report of the lords of trade to king William - upon the same occasion, not long before the surpender, was conceived in the terms following.

'To the King's most excellent majesty.

WILLIAM POPPLE.

May it please your majesty,

Having been directed by their excellencies the lords justices, upon a representation, which we humbly laid before them, concerning the disorders in your majesty's provinces of East and West New-Jersey, in America; to prepare draughts of a commission and instructions for a governor to be sent thither by your majesty, and to consult therein the proprietors of those provinces, in order to the surrender of their pretended right to the government of the same. We humbly lay before your majesty the draughts which we have prepared accordingly, with such clauses as we conceive proper, to enable the governor, for whose name we have left a blank, to proceed in settling a government.

y. King William died between this and the furrender, having (its faid) first nominated lord Cornbury, governor of New-York and New-Jersey, on account of the services of his father; who was among the first officers, that after his landing at Torbay, came only to him with his regiment.

ment in that country, conformable (as near as the circumstances of the inhabitants will permit) to the method of government, settled by your majesty's respective commissioners in your other American plantations; and withal to prevent the interfering of that colony with the interest of those other plantations: We have also in pursuance of their excellencies directions, communicated the faid draughts to fir Thomas Lane, and others, the principal proprietors of West New-Jersey, and to Mr. William Dockwra, secretary, and others, the principal proprietors of East 'New-Jersey; in behalf of themselves, and the rest of the proprietors of both those divisions; which draughts they have unanimoully approved; and in confidence that your majesty will be graciously pleased 'accordingly to constitute a governor over those countries, they have declared themselves willing and ready to furrender all their right, or pretence of right to government, which they have hitherto claimed, whereupon we humbly request to your majesty, that the reducing these colonies to an orderly form of government, under a governor constituted by your 'majesty's immediate commission, will be of great fervice to your majesty, in preventing illegal trade, and the harbouring of pirates, and will be of good influence throughout the other plantations; and we humbly offer, that mr. attorney general be directed forthwith to prepare a form of a furrender of their faid right, or pretence of right to government, which may be most effectual to the extinguishing their faid pretentions, and present the same to your majesty.

And whereas they have defired, that the first governor to be thus appointed by your majesty, may be a person

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<sup>2.</sup> Contriver of the penny-post, in the city of London: Oldmixon, says, he got his information of New-Jersey from him; and that he, in the name of the Proprietors of East-Jersey, and sir Thomas Lane (who had purchased the best part of Dr. Coxe's share of propriety) on behalf of West-Jersey, waited on the queen, and made a formal surrender of the sovereignty; reserving all their rights

A. D.

person fitty qualified for that fervices but cannot agree in the recommendation of any particular person:

We humbly propose, that when the surrender shall be

made, your majesty would be pleased to nominate forme person wholly unconcerned in the factions, which

have divided the inhabitants of those parts, all which

nevertheless is most humbly submitted.

Jan. 6th. 1701-2. John Pollexfen, Abr. Hill, Stanford, Mat Prior.

§ IV. In a memorial hereafter inferted a of the proprietors of West-Jersey, to the lords commissioners of trade and plantations, against lord Combury, signed by sir Thomas Lane, and other b proprietors, who signed the surrender; we find them recapitulating several matters, and afferting that they were part of the terms of their surrender, and placed as such among others in the instructions.

And by the affembly's remonstrance, in 1707, it appears, they thought their privileges more secure than some of their neighbours, and fully depended on being protected in the enjoyment of them.

§ V. Among the instructions to lord Cornbury are to be found, the principal matters the proprietors pointed out as what they desir'd to have reserved, the articles 9, 14, 15, 16, 36, 37, 38, 45, 51, 52, 53, 86, 87, bear evident marks that they were of this number; these and such of the others as reserve or reinforce the particular privileges of the proprietors and inhabitants of New-Jersey, were doubtless adopted and continued, in consequence of their application and the original grants.

§ VI. If the inftructions to all the fucceeding governors are copied from those to lord Cornbury, as it is

generally

a. Chap. xviii.

b. Every one of the figners of this, Robert Burrow and William Snelling excepted, had figned the inftrument of furrender.

generally understood; such of them as differ from what is common to other plantation governors, were intended to be at the time of the surrender, and which the foregoing sections seem to confirm, it is a farther evidence that they are esteemed, as to the matter of them, rights and privileges belonging to the inhabitants of New-Jersey; and that it has been and is the intention of the crown to continue them as such.

§ VII. There does not appear to have been any delign to abridge the privileges before enjoyed, nor could it perhaps be legally effected, by any of the steps taken before or in the surrender; for many of the settlers, though they were actually proprietors, do not seem to have been parties to the surrender, either by themselves or any legally constituted body for them, except it may be supposed, their approving the thing without joining in any one public act to effect it, made them so.

§ VIII. The proprietors who figned the instrument of furrender, considered as to the shares of propriety they held, might be thought of importance enough to be denominated the whole, in barely giving up the government; because they had not conveyed that: But it no where appears, that they had any legal power to represent the settlers in general, in matters wherein they had admitted them to share in their property, whether of land or privilege; and as to numbers, were but a small part of the proprietors, and a very small part of the settlers.

IX. Every fettler who complied with the terms of fettlement publickly established, as well as the purchaser, being entitled to the privileges purchased or settled under; it could not be lawful, that the act of any sellew proprietor to the last, or landlord to the other, should deprive them of what, by the original frame and constitutions of the country, or particular agreements, they

had

A. D. 1702. had a share in; and had been the principal inducement of their removing hither to fettle.

& X. That the civil and religious privileges subora dinate to, and derived from, but not connected with the powers of government, were the principal inducement of many of the fettlers, to leave good habitations and remove hither, none acquainted with the flate of

things in the original settlement can doubt.

§ XI. If therefore every purchaser and settler had a right to and property in the privileges conveyed to them, and if the ideas of property in British subjects are the fame in the colonies as in the mother country; according to these, nothing but their own act by themfelves as individuals, or as some way represented in legislation or otherwise, could deprive them of it; any thing less would imply an absurdity in the term.

§ XII. That they had a right, will evidently appear by the following short view of the premises; first, by right of discovery it became vested in the crown; by the crown it was granted to the duke of York; by the duke to lord Berkeley and fir G. Carteret, so to the purchasers immediately under them, and thence individually to every freeholder, with the right of the natives purchased and amply confirmed to them; hence it is, if these conveyances were good, that every freeholder must have a clear incontestable right to his freehold, and confequently to every privilege conveyed with it, as far as these grants will warrant.

SXIII. In another view the case may be stated thus; the proprietors said to the people, if you will buy this land, you and your posterity forever shall have thest privileges; for the first you have our hand and seal; for the other our publick declarations and concessions folemnly ratified under our hands, recorded in the pub, lic offices; and for a more compleat security, most of them

them also confirmed by laws in the same manner as the A. D. title and right to location of many of the lands are founded; hence a conclusion feems to follow, that the privileges became a part of the purchase, and that the proprietors in the fale of their lands, received a confideration for them; and if fo, to their birth-right as British subjects must be superadded the right of purchafe.

& XIV. It may possibly be objected as to West-Jersey, that the proprietors fold or conveyed the government to Dr. Coxe, and he again conveyed it to feveral of those who were parties to the furrender; supposing this to be true, it concludes nothing in the prefent cale; the question is not as to government, but privilege in other respects; to bring that into the argument it must be proved, first, that the proprietors generally concurred in the fale; fecondly, that they had power to fell again that proportion which had before been conveyed toothers; thirdly, that the act of furrender in any respect affects it; lastly, that the proprietors of the Massachusetts, Pennsylvania, or any other charter government, may or could by their own act barely, relign to as to annul or destroy what their predecessors or they have conveyed and confirmed to the people; till this is done, the other, for fimilar reasons, must be supposed imposfible: Equally inconclusive must be any argument here as to right of conquest from what happened in 1673; if the treaty of Westminster had not restored things to their original footing, the last grants, and laws in consequence of them, confirming former privileges, and nearly the whole matter relating to West-Jersey, bear date fince.

§ XV. To argue, that because there is no express clause in the instrument, by which the government was furrendered, referving the people's privileges; that therefore they were not referved; would be just as reafonable 3

A. D. 1702. fonable as to argue, that because the right to the soil is not there particularly reserved, that therefore it was not reserved at all; and yet it remains to the possessors without interruption; and the right to every civil and religious privilege not cancelled in the act of resignation, nor since altered by law, being equally strong as to the forms of authenticity (however overlooked or forgot in occasional practice) must be supposed to retain their original validity.

SXVI. From what has been faid, it feems to be evident, that the proprietors who figned the inftrument of furrender, had it not in their power, and therefore could not have intended; nor if they had, can the words or meaning of any thing they appear to have transacted, be legally construed to extinguish any privilege before derived from the royal grants, either relating to liberty of conscience, or matters of privilege in other cases; their power of the government only excepted; whether this power was ever in due form of law granted or not, at they had enjoyed it near forty years; rightly

e. See the queen's acceptance: And for the advantage of a ready

instrument, be here attended to, viz.

All these the said powers and authorities, to correst, punish, pardon, govern, and rule all or any of her majesty's subjects, or others, who now inhabit, or hereaster shall adventure into, or inhabit within the said provinces of East Jersey and West Jersey, or either of them; and also to nominate, make, constitute, ordain, and confirm any laws, orders, ordinances and directions, and instruments for those purposes, or any of them; and to nominate, constitute or appoint, revoke, discharge, change, or alter any governor or governors, officer or ministers, which are or shall be appointed, made or used within the said provinces, or either of them; and to make, ordain, and establish any orders, laws, directions, instruments, forms or ceremonies of government and magnifracy, for or concerning the government of the provinces aforesaid, or either of them; or on the sea in going and coming to or from thence; or to put in execution, or abrogate, revoke or change such as are already made, for, or concerning furch government or any of them, &c.

d. We fee the proprietors themselves feem to give into futh

doubt in the instrument of surrender,

1701:

breven tolerably administered, it must undoubtedly be considered in the light of a privilege to the inhabitants in general; as having their immediate rulers on the spot, ready to see and redress grievances, or prevent the occasions of them; induced to it both by the strong ties of increasing profit to themselves, and the good of others; but if we may compare the latter part of these proprietors administrations with the tranquility that has ensued for most of the time since; and to this, add the benefits derived from royal attention, and thence be allowed to form a judgment; we shall not perhaps see much cause to regret the change of situation.

§ XVII. What the original privileges of the inhabitants of New-Jersey were, by the several grants and concessions, and other instruments beforementioned, and proprietary laws, will at large appear; some of those not immediately connected with government or land affairs, may be known by the following abstracts.

In East and West-Jersey, before the division.

the king, and faithfulness to the proprietors, to be any ways molested, punished, disquieted, or called in question, for any difference in opinion or practice, in matters of religious concernment, who did not disturb the civil peace; but that all such persons should at all times, freely and fully have and enjoy their judgments

and

i. An act prescribing the forms of declaration of sidelity, the effect of the abjuration oath, and affirmation, instead of the forms heretofore required, &c. Confirmed and rendered perpetual by the king in council, at St. James's, May 4, 1732. A succession of beneficial paper money acts on loan, confirmed, but now expired. Another for acknowleging deeds, and declaring how the estate or right of a seme covert may be conveyed or extinguished. Confirmed and rendered perpetual by the king in council, at Kensington, August 22, 1746, Another for ascertaining the officers sets, ibid. at St. James's, Nevember 23, 1749.

A. D. and consciences, they behaving themselves penceably; and not using this liberty, to licentiousness. Concessions and agreements of the proprietors Carteset and Berkeley, with the adventurers, Feb. 10, 1664.

2. By legislative act to levy taxes, and not otherwise, and this as should seem most equal and easy for the inhabitants. ibid.

3. By law to provide for the support of government.

ibid.

4. That cattle ranging or grazing on lands not appropriated to particular persons, shall not be deemed trespassing, but custom not to be plead from hence, nor any, purposely to suffer their cattle to graze on such lands. ibid.

In East-Jersey, after the quintipartite division be

f. That the courts of session and assize, should be established by the governor, council, and representatives, and that appeals from thence, should be made to the governor and council, &c. Declaration of sin George Carteret, dated July 31, 1674.

6. Among the present proprietors, there are several that declare they have no freedom to defend themfelves with arms; and others who judge it their duty to defend themselves, their wives and children, with arms: It is therefore agreed and confented to; and they the faid proprietors do, by these presents, agree and confent, that they will not in this case, force each other against their respective judgments and consciences; in order whereunto it is resolved, that on the one fide, no man that declares, he cannot for confcience fake, bear arms, whether proprietor or planter, shall be at any time put upon so doing, in his own person; nor yet upon sending any to serve if his flead; and on the other fide those who do judge if their duty to bear arms for the publick defence, shall have their liberty to do it in a legal way.' Fundamental constitutions of East New-Jersey, A. D. 1683. 7. All

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All persons acknowledging one almighty and eternal God, and holding themfelves obliged in conscience to live quietly in civil society; shall no way be molested, or prejudged for their religious persualions and exercise in matters of faith and worthip, nor be compelled to frequent and maintain any place of worship or ministry whatsoever; but none to be admitted to places of publick truft, who do not profess faith in Christ Jesus, and will not solemnly declare, that he is not obliged in conscience, to endeavour alteration in the government, nor does not feek the turning out of any in it, or their ruin or prejudice in person or estate, because they are in his opinion hereticks, or differ in judgment from him; but none under the notion of liberty, by this article, to avow atheism, irreligiousness, nor to practice prophaneness, murder, or any kind of violence; or indulge themfelves in stage-plays, masks, revells, or such like abuses. ibid.

8. No person to be imprisoned or deprived of his freehold, free custom or liberty, to be out-lawed, exiled or any other way destroyed, nor be condemned, but by lawful judgment of his peers; justice or right to be neither bought nor sold, deserred or delayed to any person whatsoever; all trials to be by twelve men, and as near as may be, peers and equals, and of the neighbourhood, and without just exception; twenty four to be returned by the sheriff as a grand inquest, twelve at least to agree in finding the complaint to be true; reasonable challenges to be admitted against the twelve or peers who have the final judgment, or any of them: In all courts, persons of all perswasions to appear in their own way, and according to their own manner, and personally plead their own causes, or if unable, by

A. D.

their friends; and no person allowed to take money for pleading or advice in such cases. f. ibid.

- 9. All marriages not forbidden in the law of God to be effected lawful, where the parents of guardians being first acquainted, the marriage is publickly intimated in such places and manner as is agreable to men's different persuasions in religion, and afterwards solemnized before creditable witnesses, and doly registered. Ibid.
- thing in any court, or before any lawful authority, to deliver their evidence by folerantly promiting to speak the truth, the whole truth and nothing but the truth; and the punishment of falshood to be the same as in cases of perjury; the like in cases of forgery; and both criminals to be stigmatized. *Ibid*.

ri. Forfeited estates, except for treason or capital crimes, to be redeemed by the nearest of kin, within two months; by paying to the publick treasury, not above one hundred pounds, nor under five pounds

Sterling. Ibid.

In West-Jersey.

- 12. No cattle straying, ranging or grazing of any unlocated grounds, to subject their owners to damages, but custom of commons not to be pretended to, nor any person hindered from legally taking up any such lands. Concessions and Agreements, chap. viii.
- 13. All taxes to be levied by legislative act, bil.
- 14. As no man or number of men upon earth, have power or authority to rule over men's consciences religious matters; no person or persons whatsever, any time or times hereafter, shall be any ways, upon

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life

f. This last afterwards altered by an instruction to Basse, while exercised the office of governor in East Jersey, and fixed to be, to none should practice without license from the governor.

in pretence whatfoever, called in question, br in the least punished or hurt in person, estate or privilege, for the sake of his opinion, judgment, faith, or worship towards God in matter of religion. Toid. chap. kvi.

nade by the folemn and plain averment of at least two honest and reputable persons; upon false evidence, the party in civil causes liable to the penalty due to the person or persons he or they bear withest against; in criminal causes to be severely fined, and for the future disabled from being admitted an evidence or to any public employment. Aibid. chap. XX.

17. Persons preferring indictments or informations against others for personal injuries, or matters criminal (treason, murder and felony excepted;) to be masters of their own process, and have power to remit or forgive as well before as after judgment and sentencesibid, chap, xxi.

18. All causes, civil and criminal, to be decided by the verdict of twelve men of the neighbourhood, to be summoned by the sheriff, and no person compelled to see an attorney; but to have free liberty to plead his own cause; and that no person impressoned upon any account whatsoever, should be obliged to pay any prison sees. ibid. chap. xxii.

19. All jurisdictions and their powers to be estab-

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criminal, all inhabitants to come freely into, and attend and hear any such trials, "that justice may not be done in a corner, nor in any covert manner; being intended and resolved by the help of the Lord, and by these our concessions and fundamentals, that all and every person or persons inhabiting the said province, shall, as far as in us lies, be free from oppression and slavery. "ibid. chap. xxiii."

21. The proprietors and freeholders to have liberty to give their representatives instructions, and to represent their grievances, and any of the electors upon complaint made of failure of trust or breach of covement, to remonstrate the same to the Assembly.

of speech to be allowed; and none to be interrupted when speaking: All questions to be stated with deliberation, and liberty for amendment, with power of entering reasons of protest; and to have the member's year and no's registered: The doors of the house to be set open; and liberty given to hear the debate. The affembly to have power of enasting laws, provided they be agreeable to the fundamental laws of England, and not repugnant to the concessions. Concessions faid. See also the first alls of Assembly of West Insign.



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## CHAP XV. I W VIE TEST DOS

Lord Cornbury convenes the first general assembly after the surrender: His speech, their address, and other proceedings: Queen Anne's proclamation for ascertaining the rates of coin: Cornbury dissolves the Assembly, and meets a new one to his mind: Their proceedings and dissolution: A summary of the establishment and practice of the council of proprietors of West-fersey: Another assembly called, who remonstrate the gried-ances of the provinces.

THE diffinction of the two Provinces East and West-Jersey, being henceforth as to all matters of government laid aside, and both united in one under the name of Nova Carlaria, or New-Jersey, we now enter upon a more uniform method of proceedings.

Contrary to the expediation of those concerned in the furrender, we foon find them jointly struggling for the prefervation of their privileges against the encroachments of a governor, who, if his abilities had been equal to his birth and interest, must be allowed to have been as formidable an antagonist in that capacity as my that have come to the colonies; belides being the fon of a family that had merited highly in the revolution, he was first cousin to queen Anne: With such an interest and a disposition to have studied harmony and concord, instead of listening to the votaries of faction, and meanly trumpeting their animofities, he had a fair opportunity of fingular fervice in restoring the public quiet, and laying a foundation of prosperity to the province; but that, afterwards became the bufiness of another.

Lord Cornbury arrived in New-Jersey in the month called August, 1703: Having published his commis-

A. D.

A. D. 1703. Lord Cornbury convenes the affembly.

fion at Amboy and Burlington, he returned to his government of New-York; but foon came back and convened the general affembly to meet him at Perth-Amboy, the tenth of November & They chose Thomas Gardiner, b. fpeaker, he was presented and accepted, and then, conformable to the practice of parliament, made a demand of the particular privileges of affemblies, as follows:

'That the members with their fervants, may be free from arrefts or moleftation during the fessions.

That they have free access to your excellency's person, when occasion requires.

'That they may have liberty of speech, and a favourable construction of all debates that may arise among them.

That if any misunderstanding shall happen to arise between the council and this house, that in such a

cafe a committee of the council may be appointed to

sconfer with a committee of this house for adjusting f and reconciling all fuch differences. And,

That these our requests may be approved of by wour excellency and council, and entered in the s. council books?

The governor, in answer told them, he granted the three first as the just and undoubted right of the house;

g. The names of the first members of council after the surender are in lord Cornbury's instructions. The first representatives were.

For the eastern Division.

Obadiah Bown, Jedetligh Allen, Mithael Howden, Peter Val Efte, John Reid, John Harrison, Cornelius Tunison, Richard

Hartshorne, col. Richard Townly,

For the western Division.

Thomas Lambert, William Biddle, William Stevenson, Resort Lippincott, John Kay, John Hugg, jun. Joseph Cooper, William Hall, John Mason, John Smith.

For the town of Burlington. Peter Fretwell, Thomas Gardines. City of Perth-Amboy. Thomas Gordon, Miles Forfier.

L. Son of him whose death is mentioned before.

but rejected the fourth as an innovation, and accordingly ordered an entry of the same in the council books; this done, he made a speech to the council and general affembly. To nottabalist sail a soge a

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Speech.

Gentlemen, Gentlemen The proprietors of East and West New-Jersey, having upon very mature confideration, thought fit to furrender to her most facred majesty the great queen of England, my mittress, all the powers of government which they supposed were vested in them; the queen has been pleased to unite these formerly two provinces now into one, under the name of Nova-'Cæsaria or New-Jersey; her majesty has been pleased graciously to honour me with the trust of this government, and has commanded me to affure you of her protection upon all occasions; and you may 'affure yourselves, that under her auspicious reign, 'you will enjoy all the liberty, happiness and fatisfaction, that good subjects can wish for; under a most gracious queen, and the best laws in the universe, I mean the laws of England, which all the world would be glad to partake of, and none are fo happy to enjoy, but those whose propitious stars have placed 'under the most happily constituted monarchy: I will not question, but that you on your parts, will do all that can be expected from faithful subjects, both for the fatisfaction of the queen, the good and fafety of 'your country; which must be attended with general 'fatisfaction to all people. Had WART OF

'In order to attain these good ends, I must earnestly recommend it both to you, gentlemen of her majefty's council, and you gentlemen of the affembly, to apply yourselves heartily and seriously to the reconciling the unhappy differences which have happened in this province; that as the queen has united the two provinces, fo the minds of all the people may be firmly united in the service of the queen, and good of the country; which are all one, and cannot be

separated without danger of destroying both.

'Gentlemen

A.D. 1703.

Address

Gentlemen, you are now met in general affembly. on purpose to prepare such bills to be passed into laws, to be transmitted into England for her majesty's approbation, as may best conduce to the settling of this province upon a lasting foundation of happiness and quiet, only I must recommend it to you, that the bills you shall think fit to offer, may not be repugnant to the laws of England, but as much as may be agreeable to them.

I must recommend to you, gentlemen, in the wording of your Bills, to observe the stile of enacting by the governor, council and affembly; and likewife; that each different matter may be enacted by a different

s law, to avoid confusion.

" In all laws whereby you shall think fit to grant money, or to impose any fines or penalties, express mention may be made, that the fame is granted or referved unto her majesty, her heirs or successors, for the publick wie of this province, and the support of the government thereof, horsevor and the

Gentlemen, I am farther commanded by the queen, to recommend it to you, to raife and fettle a revenue \* for defraying the necessary charges of the govern-I ment of this province, in order to Support the dignity

of it w. Lo 3 years from more an Bosoura I am likewife commanded to recommend to your care, the preparing one or more bill or bills whereby the right and property of the general proprietors to the foil of this province may be confirmed to them, according to their respective titles, together with all quit rems and all other privileges as are expressed in the conveyances made by the duke of York a except only the right of government, which remains in thequen Now, Gentlemen, I have acquainted you with fome of those things which the queen is defirous to have done ! I shall likewise acquaint you, that her majely

has been graciously pleased to grant to all her subjects in this province, (except papills) liberty of confei ence. I must further inform you, that the quen has commanded me not to receive any present from

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## O. NEW-JERSEY.

the general affembly of this province; and that no person who may succeed me in this government, may claim any present for the future, I am commanded to take care, that her majesty's orders may be entered at large in the council books, and the books of the general affembly.

Now, gentlemen, I have no more to offer to you at this time, only I recommend to you dispatch in the matter before you, and unanimity in your consultations, as that which will always best and most effective

'ally conduce to the good of the whole.'

The governor's forech being read in the house, preduced the following address, N. C.D.

'May it please your excellency of hour polaste

'I am commanded by this house, to return your excellency our hearty thanks for your excellency's many kind expressions to them, contained in your excellency's speech; and it is our great satisfaction, that her majesty has been pleased to constitute your excellency our governor.

'excellency our governor. We are well affured the proprietors, by their furrender of their rights to the government of this province, have put us in circumftances much better than we were in under their administration, they not being 'able to protect us from the villainies of wicked men; and having an entire dependance on her majesty! that the will protect us in the full enjoyment of our rights, liberties and properties, do thank your excellency for that afforance you are pleased to give us of it, and think our flars have been very propitious in placing us under the government and direction of the greatest of queens, and the best of laws: And we do entirest your excellency to believe, that our best cadeswours. 'shall not be wanting to accomplish those things which 'fhall be for the fatisfaction of the queen, the general good of our country, and (if possible) to the universal satisfaction of all people: With our prayers to the God of Heaven, we thall join our utmost endeavours, to unite our unhappy differences, and aged the minimum the pape

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Address.

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hope with the affiftance of your excellency and council it will not be impossible to accomplish that blessed work. We shall follow the directions given in your excellency's speech, with what dispatch the nature of the things require; and hope, that all our consultations may conduce to the best and greatest ends.

Memorandum, that all the members of this house do agree to the subject matter above written, those several of them distent from some of the expressions

herein contained.

This address presented, the affembly, after regulating elections complained of, prepared several bills; but one only received the governor's affent. This related to the purchasing of lands of the Indians, was prepared pursuant to an article in Cornbury's instructions, and prohibits purchases or gifts of lands being made or received from the Indians without license of the proprietors, after the 1st December, 1703, under penalty of forfeiting forty shillings per acre; it also retrospects and makes void all Indian bargains, gifts, leases or mortgages, without an English title, unless covered with a propriety right in six months thereafter. This law is yet in force,

Law regulating Indian purchases.

The governor put an end to this session, December 13, by observing to the assembly, that the season being far advanced, it was absolutely necessary to conclude business: That he wished the several bills before himself and them could have been dispatched; but that the matters contained in them, were of so great moment, the difficulties so many, and the time is short, that it was impossible to finish: That being now acquainted with the nature of those difficulties, they should come prepared in thespring to remove them, and provide such good laws as might effectually ascertainthe rights of the several proprietors, and fully secure every man's property. These being the points which would most conduce to the peace and welfare of the colony, recommended

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recommended the council and affembly to employ their ferious thoughts, that the most effectual means to attain those desirable ends might be discovered, and to point out other useful laws, and concludes with observing, that they would ever find him ready to consent to all such things as should be for the good of the whole.

In 1704, great inconveniencies were found, by the fame coin bearing different values in the provinces on the continent; to remedy this by one general medium, queen Anne published her proclamation for afcertaining the value of foreign coin in America; which feems to claim a place here.

By the QUEEN.

A proclamation for fettling and afcertaining the cur- Proclamarent rates of foreign coins in her majefty's colonies tion.

' and plantations in America.

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WE having had under our confideration the different rates at which the same species of foreign coins do 'pass in our several colonies and plantations in Ame-"rica, and the inconveniencies thereof, by the indirect 'practice of drawing the money from one plantation to another, to the great prejudice of the trade of our 'fubjects; and being fenfible, that the fame cannot be otherwise remedied, than by reducing of all foreign 'coins to the same current rate within all our dominions in America; and the principal officers of our 'mint having laid before us a table of the value of the 'feveral foreign coins which usually pass in payments 'in our said plantations, according to the weight and the affays made of them in our mint, thereby lhewing the just proportion which each coin ought to have to the other, which is as followeth, viz. Sevill pieces of eight, old plate, seventeen penny weight, twelve grains, four shillings and fix pence; Sevill pieces of eight, new plate, fourteen penny-weight, three shil-'lings and seven pence one farthing; Mexico pieces of eight, seventeen penny-weight twelve grains, four faillings and fix pence; pillar pieces of eight, feventeen penny-weight twelve grains, four shillings and fix.

Coin.

fix pence three farthings; Peru pieces of eight, old plate, seventeen penny-weight twelve grains, four fhillings and five pence or thereabouts; cross dollars eighteen penny-weight, four shillings and four pence three farthings; ducatoons of Flanders, twenty pene ny-weight and twenty-one grains, five shillings and fix pence; eau's of France or filver Lewis, feventeen penny-weight twelve grains, four shillings and fix \* pence; crusadoes of Portugal, eleven penny-weight four grains, two fhillings and ten pence one farthing; the filver pieces of Holland, twelve penny-weight and feven grains, five shillings and two pence one farthing; old rix dollars of the empire, eighteen penny-weight and ten grains, four shillings and fix pence; the half, quarters and other parts in proportion to their denominations; and light pieces in proportion to their weight: We have therefore thought fit, for remedying the faid inconveniencies, by the advice of our council, to publish and declare, that from and after the first day of January next ensuing the date hereof, no Sevill, pillar, or Mexico pieces of eight, though of the full weight of feventeen penny-weight and a half, shall be accounted, received, taken or paid, within any of our faid colonies or plantations, as well those under proprietors and charters, as under our immediate commission and government, at above the rate of fix shillings per piece, current money, for the discharge of any contracts or bargains to be made after the faid first day of January next; the halves, quarters, and other leffer pieces of the fame coins, to be accounted, received, taken, or paid in the fame proportion; and the currency of all picca of eight of Peru, dollars and other foreign special of filver coins, whether of the same or baser alloy, shall after the faid first day of January next, stand regulated, according to their weight and finencis, according and in proportion to the rate before limited and fet for the pieces of Sevill, pillar and Mexico; h that no foreign filver coin of any fort, be permitted to exceed the same proportion upon any account what "foever.

foever. And we do hereby require and command all our governors, lieutenant governors, magistrates, officers, and all other our good subjects, within our faid colonies and plantations, to observe and obey our directions herein, as they tender our displeasure: Given at our castle at Windfor, the eighteenth day of June, 1704, in the third year of our reign.

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A. D. 1704

Cornbury met the affembly at Burlington the 7th of September, and recommended the preparing a bill to Affembly ascertain the rights of the general proprietors to the meet, foil of the province, to fettle a fund for support of government; and a French privateer having committed depredations on the fettlers about Sandy Hook, he thence took occasion to press for a law to establish a militia, and fix a watch house on the Navesink hills, The house took the matters into consideration: It does not appear but they intended to make such provision on those occasions, as fuited the circumstances of the province, yet their proceedings on the whole, were not to his mind; on the 28th therefore, he abruptly fent for and diffolved them, and iffued writs for a new election, to meet at Burlington the 13th of November Diffolved. following: This election was industriously managed, and a majority of members procured to his mind; they met at the time, and being divided in the choice of a speaker, Peter Fretwell and John Bowne, candidates, and the votes equal, they called upon their clerk, (William Anderson,) to give the casting vote, which he did for Fretwell, who was accordingly placed in the chair; then receiving the speech, they by an address complimented Cornbury, with going through the affairs

i. The members of this affembly were,

For the Eastern division. John Bown, Richard Hartshorne, Richard Saleer, Obadiah Bown, Anthony Woodward, John Tunison, John Lawrence, Jasper Crane, Peter Vaneste, Thomas Gordon, John Barclay, John Royle.

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of government 'with great diligence and exquisite 'management, to the admiration of his friends, and 'envy of his enemies;' and passed a bill to raise two thousand pounds! per annum, by tax, for support of government, to continue two years.

Several other laws were passed this session, and amongst them one for establishing a militia, by the unnecessary severity of which, those conscientiously scrupulous of bearing arms in many parts were great sufferers.

On the 12th of December, the governor adjourn'd them till next year, with more encomiums on their conduct, than many of them got from their conflinents on their return home; during this whole fession, they had tamely fuffered the arbitrary practices of Cornbury, to deprive them of three of their most substantial members, Thomas Gardiner, Thomas Lambert and Joshua Wright, under pretence of their not owning land enough to qualify them to fit there, tho' they were known to be men of fufficient estares; and the fame affembly at their next meeting at Amboy, in 1705, themselves declare, the members had heretofore fatisfied the house of their being duly qualified to fit in the fame; and they were then admitted, when the purposes of their exclusion were answered: This fitting was in October and November, but produced nothing of much confequence; the fession which followed at the same place in October, 1706, likewife proved unfuccefsful; and now Combury again diffolv'd the affembly.

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For the Western division.

Restore Lippincott, John Hugg, John Kay, John Smith, William Hall, John Mason, Thomas Bryan, Robert Wheeler, Peter Fretwell, Thomas Lambert, Thomas Gardiner, Joshua Wright.

<sup>4.</sup> The lieutenant governor Ingoldsby received L 600 out of this fum.

In the 11th month this year, the council of proprietors for the western division, met according to their usual practice; present, William Biddle, president, Dissolved. Samuel Jenings, George Deacon, John Wills, William Hall, Christopher Wetherill and John Kay; to this council Cornbury fent an order to refolve him in certain points proposed to them, which for some reafons, were at prefent delayed; but in the fpring next 1707. year, he fent for the council of proprietors to attend him in council at Burlington, and there proposed fundry questions on the same subject, demanding a categorical answer to each; they foon resolved him by sendingle a fummary of their constitution and establishment as follows ; the in ally a court of an interest of the interest of

'The answer delivered to the governors three questions, delivered to him by the council of proprietors.

WHEREAS out governor the lord Cornbury, was pleased at our attending on him in council, the thir- of Westteenth day of this instant May, to require answers to Jersey three questions, viz. who was the council of propri-council of etors the last year; and who are chosen for this year proprie-1707, and to have the names of them? the fecond 'is, what are the powers the faid council pretend to have? the third, by whom conflictuted?

'And in obedience thereto, we being part of the trustees, or agents commonly called the council of proprietors, are willing to give all the fatisfaction we are able, in humble answer to his lordships requirings,

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First, the persons chosen for the last year to serve the proprietors as agents or trustees, were William Biddle,

1. It was delivered to Cornbury in council, the 30th, the pro-prietors then present, were, Samuel Jenings, William Hall, Thomas Gardiner, John Wills, John Kay, Christopher Wetherill and Lewis Morris; with the answer they delivered to the governor and council, two papers containing the names of feveral of the proprietors, declaring their approbation of the council, and one Indian deed.

Biddle, Samuel Jenings, George Descon, John Wills, and Christopher Wetherill, for the county of Burlington; and John Reading, Francis Collings, John Kay and William Hall, of Salem, for the county of Gloucester, and below; and for this present year 1707, William Biddle, Samuel Jenings, Lewis Morris, George Deacon, John Wills, John Kay, John Reading, Thomas Gardiner and William Hall of Salem.

of Salem. 2. In the year 1677, the first ship that came here from England, which brought the first inhabitants that came to fettle in these remote parts, by virtue of Byllinge's right, before the fail'd the proprietors being met together at London, thought it advisable to fettle \* fome certain method how the purchasers of land from Byllinge, &c. should have their just rights laid forth to them, concluded on a number of persons, viz. Ioseph Helmfly, William Emly, John Penford, Benjamin Scott, Daniel Wills, Thomas Olive and Robert Stacy, as should be called commissioners, and they were first impowered to purchase what land they could from the Indians, and then to inspect all rights as any lands were claimed, and when fatisfied therein to order the laying it out accordingly; which commissioners when arrived here, did forthwith make \* feveral purchases of land, and acted as aforesid for some time, till fome of them being not longer the to struggle with such hunger, and many other great " hardships as were then met withal, return'd again for England; fo for preventing confusion among the e people, the affembly took the trouble of it on them; this continued in practice till about the year 16871 then the affembly having much other buffnefs, and being not able to fpend their time and money abroad would not longer be troubled with that business, & was wholly belonging to the proprietors, and so ther

was wholly belonging to the proprietors, and so there it out of the house, and told the proprietors the might choose a convenient number of persons of themselves, to transact their own business: According

ingly the 14th day of February, the same year, the

proprietors met at Burlington, and then and there chose and elected eleven persons of themselves, to act for the whole, for the next ensuing year; but then sinding that so many and at such distances being hard to be got together, they next year chose but nine, and accordingly signed instruments for the consistance ing that constitution, of which his lordship has a copy; and the same methods have been every year since practised to this present year 1707; and in all this time no inconveniencies hath arisen from it, but on the contrary, much ease and advantage to the proprietors; as by a surther declaration of many other of the proprietors under their hands, is ready to be proved.

· Now as to the powers of those as are now and have all along been, they are the fame with the first that came over from England in the year 1677; that is to fay, to purchase land of the Indians, with the confent and advice of the faid proprietors as 'chose them, and to inspect the rights of every man 'as shall claim any land, so that the same may be furveyed to him or them; and for the more easy and 'speedy settling of the province, commissioners have been appointed in each county, to inspect all rights as 'aforefaid; the faid agents, truftees or council, also to choose a recorder, a surveyor general and rangers in each county, to range for the benefit of the faid 'general proprietors, and to appoint persons to prevent the wasting and destroying of the proprietors timber, upon their unfurveyed lands, &c.

The proprietors refiding in England, have had knowledge of a committee of the agents or trustees of the proprietors here, who were to act and negotiate their affairs by their agents, from time to time, acting in conjunction with them, as Adlord Boud, John Tatham, agents to doctor Coxe; and when Jeremiah Bass was agent, he acted with them also; after him, when our late governor Hamilton was made agent, he acted as one of the said agents, trustees or council for several years, and was president

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A. D. 1707.

of the fame; and now Lewis Morris, as agent to the fociety, is one of the faid truftees or council and only the agents of the agents of the proprietors at home, burarly proprietor now hath, and have had liberty, to come and meet with the faid agents, tru-

ftees or council, when he or they pleafed here has Laftly as to the conftitution of the faid agents. truftees or committee, and by whom conflicted wit is on certain days in the county of Burlington and Gloucester, yearly and every year, they are chosen by the proprietors: The above is as good an account as we that are prefent are able to give in answered what was required of us by his lordship, and pray it may find acceptance as fuch; but if any further thing may feem needful to be answered, we humbly pray it may for this time be suspended, till the whole can be got together.'

The writs for a new affembly were returnable to Burlington, the 5th of April, 1707. In this Affembly it soon appeared, Cornbury had not the success in elections as in the last choice; his conduct was arbitrary, and the people diffatisfied, the affembly chok Samuel Jenings, Speaker, " received the governors fpeech, and foon after refolved into a committee of the whole house to confider grievances, this commine continued fitting from day to day, will at length the agreed upon fifteen resolves, and by petition to the queen laid them before her, on the 8th of the month called May, they also remonstrated their grievances to the governor, as follows: The state of the same unlexecuted, they being that the same and the same after laid Cornhary's acts and and

The members now were,

For the Eastern division.

John Harrison, Lewis Morris, Elisha Parker, Thomas Fi Jasper Crane, Daniel Price, John Bown, William Lawresce, William Morris, Enoch Mackelson, John Royce, Thomas Gordon.

For the Western division.

Peter Canson, William Hall, Richard Johnson, John Thomas

Bartholomew Wyatt, John Wills, Thomas Bryan, Samuel Jennigh Thomas Gardiner, John Kay, Philip Rawle.

1707:

May it please the governor,

We, her majesty's loyal subjects, the representatives of the province of New-Jersey, are heartily forry, that instead of raising such a revenue as is by the governor (as we suppose by the queen's directions) required of us, we are obliged to lay before him the unhappy circumstances of this province: it is a task we undertake not of choice, but necessity, and have therefore reason to hope, that what we say may meet with a more favourable reception.

'We pray the governor to be affured, it is our miffortune extorts this procedure from us, and that we 'should be tray the trust reposed in us by our country,

did we not endeavour to obtain relief.

'The governor encourages us to hope he will not be deaf to our entreaties, nor by his denial render our

attempts for the best ends fruitless.

We may not perchance rightly apprehend all the causes of our sufferings, but have reason to think some of them are very much owing to the governor's long absence from this province, which renders it very difficult to apply to him in some cases which may need a present help.

'It were to be wished the affairs of New-York, would admit the governor oftener to attend those of New-Jersey, he had not then been unacquainted with our grievances; and we are inclined to believe they

would not have grown to fo great a number.

It is therefore, in the first place, humbly presented to the governor's consideration, that some persons under sentence of death for murder, have not only remained till this time unexecuted, (they being condemned not long after lord Cornbury's accession to this government) but often have been suffered to go at large; it's possible the governor has not been informed, that one of those persons is a woman who murdered her own child; another of them a woman who possoned her husband: The keeping of them so long has been a very great charge, and how far it's a reflection on the publick administration, to suffer such

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wretches to pais with impunity, we dare not fay; but fure the blood of those innocents cries aloud for vengeance, and just Heaven will not fail to pour it down upon our already miserable country, if they are not

secondly, we think it a great hardfhip, that perfons accused for any crime, should be obliged to pay countees, notwithstanding the jury have not found the bill against them; they are men generally choice out of the neighbourhood, and should be the most substantial inhabitants, who cannot well be supposed to be ignorant of the character of the person accused, nor want as good information as may be had; when therefore they do not find the bill, it is very reasonable to suppose the accused person innocent, and confe-

quently no fees due from him; we pray therefore, that the governor will give his affent to an act of affembly to prevent the like for the future; otherwise no person can be safe from the practices of designing men, or the wicked effects of a vindictive temper.

Thirdly, the only office for probate of will being in Burlington, it must be very expensive and inconvenient for persons who live remote to attend it, especially for the whole Eastern division; we therefore

pray the governor will affent to an act to fettle luch an office in each county, or at least in each division of

this province, and that the officers be men of good effaces, and known integrity in the faid county or divi

estates, and known integrity in the said county or dive

Fourthly, that the secretary a office is not also keps at Amboy, but that all the Eastern division are forced to come to Burlington, that have any business at sail office, is a grievance which we hope the government will take care to redress; it seeming inconsistent with

the present constitution of government established by
the queen, which doth not admit one of the divisions

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of this province to enjoy more privileges than to other; we therefore entreat the governor not to take

it amis, that we defire his affect to an act to be pass to oblige the secretary to keep the office at both place

1707.

Fifthly, the granting of patents to cart goods on the road from Burlington to Amboy, for a certain number of years, and prohibiting others, we think to be a grievance that is contrary to the statute 21 Jac. 1. c. 3. against monopolies; and being so, we doubt not, will easily induce the governor to assent to an act to prevent all such grants for the suture; they being destructive to that freedom which trade and commerce.

ought to have.

Sixthly, the establishing fees by any other power or authority than by the governor, council and representatives met in general assembly, we take to be a great grievance, directly repugnant to Magna Charta, and contrary to the queen's express instructions in the governor's instructions, which says, "You are to take care, that no man's life, member, freehold or goods, be taken away or harmed in our province, under your government, otherwise than by established and known laws, not repugnant to, but as near as much as may be, agreeable to the laws "of England;" we therefore pray, that the governor will affent to an act to be pass'd to settle fees, without which we think no more can be legally demanded, than the persons concerned by agreement oblige themselves to pay.

Seventhly, the governor putting the former publick records of the Eastern division of this province into the hands of Peter Sonmans, pretended agent to the proprietors, one that does not reside in the province, nor has not given security for the well and true keeping of them, as is by the queen directed, and kept them so that her majesty's subjects cannot have recourse to them; and their being carried out of the division, is a great and crying grievance. They are the only evidences that one half of this province has to prove the titles to their estates, and this house is humbly of opinion, they ought to be so kept, that persons may have recourse to them; and in the hands of such of whose sidelity there is no reason to doubt; this being a thing so reasonable, encourages us to request the governor to assent to an

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A. D. 1707. act to be passed to put them in proper hands for the future, that the country may not be under the fame

· disappointments they now are.

These, governor, are some of the grevances this province complains of, and which their representatives defire may be redreffed; but there are orbers of higher nature, and attended with worfe confequences; they cannot be just to the governor, themselves, or their country, should they conceal them; We did expect when the government of the Jerfies was furren. dered, to feel the benign influences of the queen's mild government, under her more immediate administra-tion, and to be protected in the foll enjoyment of our liberties and properties, the last of which we . thought ourselves something more secure in than some of the neighbouring plantations; and hadan entire dependance that her majesty's royal bounty and goodnels would never be wanting to make us ealy and happy, even beyond our wishes: It is our mistorum, that we must fay, the fuccess has not answered the expectation, and the queen's lubjects here have to the reverse of what they had most reason to hope; the greatest and best of princes is, without all pend-venture, ignorant of our pressures, or we had so fince had relief; she is too good to continue even deferved fufferings of the miferable, and has more Heaven in her than to hear the cry of those that grow under oppression, and the unkind effects of mistage power, to whom we owe our miseries; and what the are, the fequel shews. In the first place, the governor has prohibited to

proprietors agents, commonly called the council proprietors, from granting any warrants for take up of land in the Western division of this provint We cannot fee by what law or reason any man's perty can be disposed of by the governor without confent: The proprietors when they surrendered government, did not part with their fort, and . Inanage it as they think fit, and are not to take di

tions from any person whatsoever, how and whe

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doit; if any persons concerned be grieved, the laws are open, by which disputes in property are decided; and he doubtless will not be left remediless. very forry the governor gives us occasion to fay, it is a great encroachment on the proprietors liberties; but we are not surprised at it, when a greater encroachment on our liberties lead the way to it, and that was the governor's refuling to fwear or atteft three members of the last affembly upon the groundless suggeflions of Thomas Reveland Daniel Leeds; two meinbers of the queen's council, by which they were kept out of the affembly: We are too fenfibly touch'd with that procedure, not to know what must be the unavoidable confequences of a governor's refuling to Iwear which of the members of an allembly he thinks fit; but to take upon himfelf the power of judging of thequalifications of affembly-men, and to keep them out of the house (as the governor did the aforefaid three members nigh eleven months till he was fatilfied in that point) after the house had declared them qualified; is fo great a violation of the liberties of the people, so great a breach of the privileges of the house of representatives, so much assuming to himelf a negative voice to the freeholders election of heir representatives, that the governor is entreated to pardon us, if this is a different treatment from what re expected: It is not the effects of passionate heats, he transports of vindictive tempers; but the crious resentments of a house of representatives, for notorious violation of the liberties of the people, to hom they could not be just, nor answer the trust overnor know they are extremely diffatisfied at fo nkind a treatment, especially when its causes and fects confpire to render it so disagreeable.

It is notoriously known, that many considerable ms of money have been raised to procure the dissortion of the first assembly, to get clear of the projectors quit-rents, and to obtain such officers as the attributors should approve of; this house has great

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4. D. 1707.

reason to believe, the money so gathered was given in ! lord Cornbury, and did induce him to diffolye the then affembly, and by his own authority keep three members out of the next affembly, and put is many mean and mercenary men into office; by which corrupt practice, men of the belt estates are severely harraffed, her majesty's good subjects in this province fo impoverished, that they are not able to give that fupport to her majelty's government as is defined, or as they would be otherwise inclined to do; and me cannot but be very uncasy when we find by elicience methods of governments our liberties and properties fo much thaken, that no man can fay he is mafter of either, but holds them as tenant by courtely and at will, and may be stript of them at pleasure: Liberty is too valuable a thing to be easily parted with, and when such mean inducements procure such violence. endeavours to tear it from us, we must take leave to fay, they have neither heads, hearts, nor fouls, the are not moved with the mileries of their country, and are not forward with their temost power havfully to with due fubmiffign, yet himment alerbar. ?

we copelude, by advising the governor to confide what it is that principally engages the affection of people, and he will find no other artifice needfuld to let them be unmolefted in the enjoyment of wha belongs to them of right; and a wife man that driple not his own happinels, will earnestly labour to regar By order of the shoot of the hour get ready

the house, he delivered

Samuel Jenings feater

By this remonstrance may be feen much of t history of the times, and that the things were can to arbitrary lengths, there were not wanting in the pr vince, men of discernment to see and lament the happy fituation of their country, and of spirit oppose it's greatest, enemies; several such were in " affembl

1707,

affembly, the speaker in particular, had very early known New-Jersey, had lived thro' many changes and commotions, to fee great alterations in it; much concerned in publick transactions, he knew what belonged to a publick character; he had governed the western part of the Province for several years, with integrity and reputation; faw the advantages of a just confidence, and that it could not be acquired another way; that though the office was in ditself respectable, it was the honest execution of it daccording to it's dignity, that produced the intended fervice, and secured the approbation of a kind but watchful miltress; for such queen Anne was accounted to her governors. Jenings was also undaunted, and lord Combury on his part, exacted the utmost decorum; while as speaker he was delivering the remonstrance, the latter frequently interrupted him with a flop, what's that, &c. at the fame time putting on a countenance of authority and sternness, with intention to confound him; with due submission, yet firmness, whenever interrupted, he calmly defired leave to read the passages over again, and did it with an additional emphasis upon thole most complaining; fo that on the second reating they became more observable than before; he at length got through, when the governor told the house, to attend him again on faturday next, at 11 idock, to receive bis answer; he did not get ready till he twelfth, when sending for the house, he delivered is answer Jenne, rowlne eit

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z. Lewis Morris, a fo now diffinguished bimfelf with great actiity in behalf of privilege, and had a large, share in the whole and of this affembly; of him more hereafter.

e. After the house was gone, Cornbury with some canotion, told tole with him, that Jenings had impudence enough to face the D.

to enjoy belp it.

#### Lord Cornbury's answer to the affembly's remonstrance.

'Two women that have been condemned for that

Gentlemen, bannas naed to a ved annab ON thursday last I received a paper from you, which you call a remonstrance; I then told you, f it was of an extraordinary nature, and contained many particulars, which the they lay open enough to receive an immediate answer, yet because I would not put it in your power to say I had given you a rash inconsiderate answer. I would make no return to it till the faturday following, at which time I feat you word by the fecretary, that I should not expect your attendance till this day. I shall not take notice of any thing in your preamble, but the two last clauses of it in the first of which you say, that you have reason to think that some of your sufferings are owing to the governor's long ablence from this province, which renders it very difficult to apply to him in some cases that may need a present help; This is so far from being true, that besides my boing twice in this province every year, and have never staid less than a Month, some times six weeks, or more, the post goes every week to New-York, by which I may be easily informed of any emergency; moreover the lieutenant governor, colonel Ingoldsby, relides constantly in this province, and would certainly have done right to any persons that would have complained to him which makes this allegation very frivolous the him

In the next clause you say, that it were to be wished that the affairs of New York, would admit the governor oftener to attend those of New Jersey. The affairs of New-York have never hindred the governor from attending those of New Jersey, whenever it has been requisite; and J can lately say, I don't know of any grievances this province shours under

know of any grievances this province abouts under except it be the having a certain number of people

under any government, nor fuffer their neighbours to enjoy any peace, quiet or happiness, if they can help it.

marknows I now begins with your articleso arous

dering, have not been executed, there having appeared most notorious malice and revenge in some people, who were zealous in these prosecutions; the queen is the fountain of honour, justice and mercy; and as she is so, the may when the pleases, exert her mercy, either in reprieving or pardoning any criminal: That power of pardoning and reprieving after condemnation, the subjects of this province, her majety has been pleased to intrust me with; and I am no ways accountable to any person or number of persons whatsoever, for what I do in those matters, but to the

queen's majefty alone.

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As for what you lay, with relation to the apprepour down vengeance upon your already milerable country, if these criminals are not made to suffer according to their demerits: I am of opinion, that nothing has hindered the vengeance of just heaven from falling upon this province long ago, but the infinite mercy, goodness, long suffering, and forbearprovoked by the repeated crying fins of a perverie generation among us, and more especially by the dangerous and abominable doctrines and the wicked lives and practices of a number of people; some of whom under the pretended name of christians, have dared to deny the very effence and being of the faviour of the world: It is a strange thing, that such an affembly of men as the representatives of the people of this province are or ought to be, should complain of any thing under the name of hardship, before they had informed themselves whether the thing they had a mind to complain of, were really a hardship or not: This plainly is your case at this time; for if you had asked A. B.

fany man, that knows any thing of the practical of the law in England, you would have found, that he fany proceedings had been carried on against any persons supposed to be guilty, they have always paid the court sees, notwithst anding the grand jury have not found the bill pland this is so known a practice. That it is not to be disputed a but when men will intermeddle with, or pretend to things which they neither know nor stinderstand, they cannot fail of misguiding themselves, and misleading those that have a mind to be guided by them stomes and

Indeed, if juries in this country were as they ought to be, the supposition might in some measure be allowed but we find by worul experience that there are many men who have been admitted to ferve upon grand and petty juries, who have convinced the world that they have no regard for the ouths they take, effecially among a fort of people, who under a pretence of conscience, refuse to take an oath; and yet many of them under the cloak of a very folian affirmation, A dare to commit the greatest enormities, especially if A it be to ferve a friend, as they call him a and thefe are the defigning men, and the vindictive tempers, of which all the queen's good fubjects ought to beware, hand be protected from; and thefe are the crying fins which will undoubtedly draw down the vengeance of tiust heaven upon this province and people, if not timely and veriously repented of order driw signed

enormities contained in this remonstrance (and which I would do if it came from any other men) it should be at this; because no reasonable man can persuade himself to believe, that a number of men chosen by their country to represent them, would presume to complain of a thing as a grievance, when the thing complained of is in fact not true; for the office of probate of wills is wherever the governor is; configurately not at Burlington only. Ever since the queen thas done me the honour to enerust me with the governor ment of this province, I have never failed of being in

in the province twice every year, once at Burlington, and once at Amboy, except the last year, that Thad the unfoeakable misfortune of long a wife, whom I loved as my own foul, after a very long redious fickness; during which I am perfuaded no reasonable mancould expect I should leave her for any time; and vet notwithstanding that, I was twice at Amboy dast tyear, where any body that had a will to prove, might thave had it done if they had pleafed, befides my t being twice every year the province confidering the remoteness of Cape May county and the county of Salem, I did appoint a furrogate at Burlington, before whom any of the inhabitants of either division might have had their wills proved, I did not think it necessary to appoint the in the Eastern division, because the inhabitants of that division who are most remote from New-York, are within a very eafy day's journey of my furrogate at Burlington, and much the major part of the people of that division, are within a small day's journey of New-York, where their private affairs daily calls many of them, and where any of them may have their wills proved without any injury to, or encroachments upon their propesties, rights or privileges i This is fo certain a truth, that I am perfuaded all judicious and impartial men will look upon this complaint to be malicious, feandalous, and frivolous, contrived only to amuse poor ignorant people with notions of grievances; when in truth there is no manner of cause of complaint: Besides what you defire, is a direct invalion of the queen's prerogative , for it belongs to her majefty alone to appoint who shall take probate of wills, and grant letters of administration; and that power the queen has been pleased to west in the governor, and I am fure I will never fo far betray the trust her majefy has honoured me with, as to facrifice her prerogative royal, to the humours of any person or persons whatfoever: But of all the people in the world, the quakers ought to be the last to complain of the hardships of travelling a few miles upon fuch an occasion, who e never

never repine at the trouble and charges of travelling feveral hundred miles to a yearly meeting, where it is evidently known, that nothing was over done for the good of the country, but on the contrary continual contrivances are carried on for the undermining of the government both in church and flate.

You have had as little regard so the much of matter of fact in this complaint as in forme of the reft: for it is certain, that the fecretary is office is kept at Amboy, as well as at Burlington, as far as the mature of the thing requires, and is can admis of for the records of the eaftern division, or at least formany of them as the agent for the proprietors of that division could hitherto recover from one Thomas Gordon, into whose hands they were put in the time of the proprietors government, and who has embezzled feveral of them, for which he must be answerable; there is a fupreme court held once every year at Amboy, there is no more at Burlington; fo that one division does not enjoy more privileges and advantages than the other; and you have no more reason to desire a secretary's office to be fettled at Amboy, than the people of the county of Cumberland would have to defire a fecretary of ftate's office to be fettled in their county, because it is a great way for them to travel to London when they have any business in the secretary's office; the thing is inconfiftent in itfelf, to have two fecretaries offices in the fame province, and confequently unreasonable, and I am pretty well fatisfied without precedent; befides I don't know any body that can claim the right or power of appointing a fecretary in this province but the queen, and the has been pleased to appoint one unden the great feal of England, and her majesty is pleased to think one sufficient, as undoubtedly it is; but if you had thought that another had been necessary, it would have been much more modest to have acquainted me with it, that I might have humbly represented it to her majesty, rather than to have remonstrated that as a grievance, which is done in pursuance of the queen's commands: But this is of the farme nature with the · reft

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rest of your complaints, contrived on purpose to muse the poor ignorant people with a notion of grie vances, when in truch there is nor the least colour or cause of complaint! Peould with, fince you had a mind to colour this complaint with the authority of an act of parliament of England, that you had adviced with forme lawyer, to know whether this could be any ways brought under that flatute, or can by any continuenon in the world be called a monopoly to but where a man engrolles a commodity winto his own hands! band impoles what unreasonable price he pleases upon that commodity, or where a man is fuffered to chier any trade or occupation exclusive of others, to the prejudice of the publick, or particularly the hindering or burthening trade; the thing now complained of is to far from being of that nature, that it is directly contrary; for by the patent now complained of, the fibjects of this, province have the conveniency of fending fach quantines of goods to and from Burlington and Amboy, as their private occasions, or the nature of their trade, requires, at reafonable and certain rates, and at certain times, which they never could de before; for before, the fettling of this waggon, if any serious had occasion to fend any goods to or from either of those places, they were forced to hire a waggon, tho perhaps they had not the tenth part of a load, and were forced to pay fuch rates as the owners of the waggon thought fit to impose upon them; whereas at present every body is fure once a formight to have an opportunity of fending any quantity of goods, great or small, at reasonable rates, without being in danger of being imposed upon ar the will of the owner of the waggon; and the fettling of this waggon is to far from being a grievance or a monopoly, that by this means and no other, a trade has been earried on between Philadelphia, Burlington, Amboy and New-York, which was never known before; and in all probability would never have been, had it not been for this certain convenient way of fending fuch quantity of goods

as people pleased from place to place; and in all the parts of Europe, the having publick carriages for goods has always been efteemed of absolute necessity. and the want of them has been looked upon as a hards thip: But it feems those things which in the wifer and best governments in Europe have not only been thought convenient but effected of absolute necessit ty, are found out by some of our wifer people here. to be grievances and monopolics. This being undoubtedly true, it's plain the patent complained of cannot come within the ftar, of the 21 Ja. 1. chap. This I believe will be fufficient to convince all reason able men, how frivolous and unrealdnable this complaint is. I shall observe, that when I was first applied to for a patent for the allowing this waggon, which was by one Dellaman, who in colonel Hamilton's time was permitted to drive a waggon for carrying goods, tho' under no regulation, either with respect to times of going, or prices for carrying goods, and then was no monopoly; before I would grant it, I did acquaint the council with it, and defired them to let me know, if they apprehended any inconveniency in granting fuch a patent; those gentlemen were all of opinion, there could be no inconveniency in h, but rather a great conveniency; and indeed experience has proved that opinion to be true; hay, min Lews Morris himself, the chief promoter of these unreasonsable and frivolous complaints at this time, who had the honour to be one of her majefty's council, expressed himself very fully to that purpose: Indeed had that gentleman ever been confiftent with himfel in any two actions of his life, I should wender how he could fo foon alter his opinion in a cafe of that nature; but his behaviour at all times having fully convinced the world that he never was fo, makes me ease wondering : This clause of your remonstranceis indeed of a more extravagant nature than the former, for you prefume to call that a great grievance, and affirm it to be directly contrary to magna charta, and contrary to the queen's express directions in the governor's

governor's instructions; which is most certainly extractly pursuant to, and in obedience of the express words contained in the queen's instructions to the governor; so that you make the governor's faithful obedience to the instructions the queen has handwed him with, to be a great grievance in which is no sless than accusing her most sacred majesty, the best of queens, of commanding her governor to do things which in themselves are great grievances; how grates full a return this is to her majesty, for the repeated favours she has been pleased to shew to this province.

and people, let the world ildge if iliw proded I adT That clause of my instructions which you recite in this article, has no manner of relation to fees in-'deed there is another clause in my instructions, which directs how, and by whom, all fees thall be fettled, 'and the queen's commands have been observed; the words of the clause are those, " And you are with "the advice and confent of our faid council, to take "especial care to regulate all salaries and fees belonging "to places, or paid upon emergencies, that shey be "within the bounds of moderation, and that no exact "tion be made on any occasion whatfoever; as also that "tables of all fees be publickly hung up in all places "where such fees are to be paid, and you are to trans-"mit copies of all fuch tables of fees to us, and to our "commissioners for trade and plantations as aforesaids and I challenge every one of you, and all mankind, to shew, how, when, and where, any man's life, member, freehold, or goods, have been taken away, or harmed in this province, fince it came under her majefty's government, otherwise than by established and known laws, not repugnant to, but as much as may be, agreeable to the laws of Englanda When I first read this clause, I could not imagine what it was put in for, unless it were on purpose to arraign the queen's express commands to me. First, Mr. Sonmans is not the pretended agent, but the lawfully constituted agent for the proprietors of the eastern division of this province, and has qualified himself

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accord to the queen's instructions to me, and he does relate the greatest part of his time in the province; the records are not carried out of the Eastern division, unless it be those which Thomas Goton has imbezzled; but those that came to the hands of Mr. Sonmans are kept at Amboy, where are body may have recourse to them that will define it, at any reasonable hour; and the country is not under my disappointment upon that account; besides the records of the Eastern division were put into the hands of the proprietors agent, by an order from England, upon a complaint made in England, that the records were not in the hands of the proprietors agent.

not in the hands of the proprietors agents. Thefe, governor, are fome of the grievances." . This is certainly one of the boldest affertions that ever was made, especially when there appears no manner of proof to make it out : When I read thele two claufes; for there are two before you come to entinerate these grievances of an higher nature, and amended with worfe confequences, I expected to have found myfelf, or some other persons incrusted with me in the administration of the government over her ma-' jefty's subjects in this province, nor only accided, but made plainly appear, by undeniable manifest proofs, beyond the possibility of a contradiction, to be the most enormous crimes: Who can image fuch a body of men, as the reprefentatives of aprovince, venture to fay, that they did expect when the government of the Jerlies was forrendered, to feelth influences of the queen's mild government under more immediate administration, and to be pro in the full enjoyment of their libertles and pro the last of which they thought themselves a little mor fecure in, than fome of the neighbouring plantations and had an entire dependance that her majety's 107 bounty and goodness would never be wanting to make

them easy and happy, even beyond their wishes; it their missfortune, that they must say, the success has not answered the expectation of and the queen's sub-

jects here have felt the reverse of what they had mo

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reason to hope that the greatest and both of princes is without all peradventure ignorant of their pref-furest or they half long lince half relief a fre is tob good to continue even the delerved sufferings of the milesple, and has more of beaven in her, than not taken the cries of those that group under oppression and the unland offschool mistaken power, to whom they owe their milesy, who would not I have affect fuch affertions, expell so for the governo fuch aftertions, expect to be the governor respect to guilty either of treating or browning the triff respond in him by the quien, by depriving the fublicity of their lives, their effacts or properties, or at least denying them justines and parverting the lives to the oppression, instead of administrating them for the projection and presentation of the people committed to bitchesses. The hischarge? Thefe or the like crimes manifestly proved, are the only things that was justify men in the accusing a governor of current practice, and of shaking the liberties and properties of the people, but if hope of thefe things cambe proved, but on the contrary, it does appear plainly, that no one act of feye-rity, much less of injustice or oppression, has been done since the government of this province came onder the queen, but char chere has been an imparrial, jult and equal administration of justice observed thre on the whole course of my government, and that many acts of marcy have been extended to perfors who deferved to be fewerely punished a then what fore of creatures must these bold actusers appear to be, in theeyes of all impatrial and judicious men! That thele are truthe beyond all contradiction, and which 'all the people of this province know, Ldo bhallenge you, and every one of you, to prove the contrary And the I know very well, that there are feveral unquiet spirits in the province, who will never be content to live quiet under any government but their own, and not long under that neither, as appears by their methods of proceeding when the government was in the hands of the proprietors; when many of these very men who are now the remobilirancers, were

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in authority, and used the most arbitrary and illegal methods of proceeding over their fellow subjects that were ever heard of; yet I am fatisfied, there are

very few men in the province, except Samuel Jen-ings and Lewis Morris, men known neither to have

good principles, nor good morals, who have ventur-ed to accuse a governor of such crimes, without any proof to make out their accusation; but they are ta-

· pable of any thing, but good. But that the unreasonableness of these complains may appear the plainer, let us confider what thek enormities of mine are, that have turn'd the benign influences of the queen's mild government into oppression, and the unkind effect of mistaken power: First, by the instructions her most facred majesty the queen has honoured me with, I am to allow all fuch agents as the general proprietors shall appoint, such agents qualifying themselves by taking such outs as the queen is pleased to direct, and no others, no perfons under the name of a council of proprietors have ever tendered themselves to take those oaths, confequently they are not capable of acting as agent; Besides, I say, those people who call themselves a council of proprietors, are a parcel of people, pretending to act by a power derived from certain perfons, who have no power to grant; the governor has therefore done in this case nothing but his duty, in hindering, as far as in him lay, that pretended courcil of proprietors from acting illegally, which they have long done to the prejudice of her majety's fubjects: This is a truth I cannot doubt of, because befides the other reasons I have to satisfy me in this point, you have voted my putting the records of the eastern division into the hands of Peter Sonmans, to be a grievance; tho' Mr. Sonmans has qualified him felf long ago; fo that the council of proprietors no having qualified themselves at all, is a much great grievance. By the queen's instructions to me, A is pleased to direct, that no person shall be capable being elected a representative by the freeholders

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techer division, or afterwards sitting in general attembly, who shall not have one thouland acres of land, of an estate of freehold in his own right, within the division for which he shall be chosen; two gentlemen of the council informed me, that three perfons, whose names they then mentioned, were not qualified ; upon which I refused to take their attellations (for they were all Quakers) and in to doing, I did my duty: I recommended it to the affembly at that time, to proceed in the first place, to enquire into that matter; but they did not think fit to do it, till they had fat about three weeks, and then they fent me a meffage, to defire those three members might be fworn, for they were fatisfied they were qualified : I fent them word, that if they would communicate to me the proofs which had fatisfied them, I should be ready to admit them; but that they would not do: In forme few days the affembly was adjourned to meet at Burington, where they met at the time appointed, and fent me the fame meffage as they had done before; I fent them the fame answer; upon which they ordered the three members to produce to me the proofs of their qualifications; which having done, I admitted them immediately, which I could not do before, without breaking the queen's instructions; fo that it was entirely through their own stubborness that they were nor admitted fooner, and no intent or defire of mine to keep them out: If I had had a mind to keep any members out of the house, I could have made objections which they could never have answered; But fuch practices are below me; and it is not true, that I have made any violation of the liberties of the people, nor have affumed to myfelf a negative voice to the freeholders election of reprefentatives, as this house of representatives has lately most notoriously done: But of that more anon.

Indeed the treatment I have met with from this house of representatives, is far different from what I and all reasonable men expected from most of them, thinking them endowed with reason and common

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milice to mankind; but it is not different from what ! expected from Samuel Jenings and Lewis Moiris, two men notoriously known always to have been diffurbers of the quiet and peace of this province; men always possessed with passonate hears, and the transports of most windictive tempers, butonever capable of fuelr ferious referements as would become \* a house of representatives; if there were any octation given them to thew any ; how they have been able to f prevail with the major part of the house to join with them, in deflroying as far as in them lay, the reputation of a gentleman who has she honour to lerve the ' queen as governor of this province, and is forfat from deferving fuch treatment from them that he has always done to the utmoff of his power, for the of good, welfare and prosperity of this province and people, and would have done much more if the " affembly would have put it into his power, by pre-" paring fuch bills as the governor at the beginning of every festions has recommended to them, and the condition of the country required; but that they must answer for to God and their own consciences, and · perhaps one day to me! Of a belonger door avail ! Whether many confiderable furns of thithey have "know not; but this I know, that if any monky w

been raised or not, I know not; and if they we \* railed, for what intent and purpole they were railed

"raifed, it was not given to me, nor was ever my mo ney offered to me to procure the diffoliation of the

first affembly, or to get clear of the proprietors qu rents, or to obtain fuch officers as the contribu

" fhould approve of, as is fally alledged: The train why I diffolved the first affembly were evident to

" mankind; for it was plain that house never inter to do any thing for the support of the queen's gove

ment, nor for the good of the country and in better could not be expected from an affembly for

ruptly cholen as that was in for fome of the e remonstrancers, and some other people, provi

with Thomas Gordon, then theriff of the county · Middlefer 100 DE

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Middlefex, to refuse a poll when demanded and when the people, injured by that practice, complained to the house of representatives, they had a day affigued them to be heard, but were limited to bring but twenty witnesses the people attended at the day appointed, with the number of witnesses, they were allowed to bring but were then by the house refused to be heard, not only by chemicives but by their Acouncil, and their witnesses refused to be examined; tho at the fame time they heard Thomas Gordon, who was complained against, and did examine some witnesses on his behalf upon which the petition of the complainants was difmift, thereby supporting the fillegal proceedings of the theriff; this was a violahition of the rights of the people with a wengance, and a fufficient reason, (if I had no other) for the diffolving that affembly, that the people might once more have a free choice of their representatives if As for getting clear of the proprietors quit rents, it is fuch an abfurdity to mention, that no body would be guilty of it but Samuel Jenings and Lewis Morris; for it is evident, that aethe beginning of every fellions I have recommended it to the affembly, to propare a Bill or Bills, for ferting the rights of the proprietors; which I suppose with be a full answer to that part; and as bknow of one fuch men as contributors, lo can I have no fuch application made to mos I have not knowingly put any mean or mercenary men into office; indeed at my first coming into the government of this province. I defined the gentlemen of the council, to recommend persons to me fit to be put into offices, military and civilis feveral of them gave the diffs, and amongst the reft im. Liewis Morris gave me one, which I have flill by me, in which indeed, by experience, I find there are forme mean, scandalous men; but I cannot accuse any body ele of doing the like. Thus much I thought myfelf obliged to fay, in answer to your remonstrance, to fatisfy the world of the fallhood of your allegations and the unreasonableness of your complains. I have

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faid the lefs in answer to the feandalous reflections you have cast upon me, because I do not doubt, but upon my most hamble application to her most facred majefty the queen, the will be graciously pleased to allow me to take fuch measures as may be nrost proper to procure me ample fatisfaction, for the great and extravagant injuries you have done me! As for the advice you conclude with, I shall only say, that I can never answer the taking advice from menowho do not know how to govern themselves, and who have always opposed the service of the queen and

the interest and good of the country, which are power and the party officiating, slderagalni Now, gentlemen, I shall take notice to you of some of your late unaccountable proceedings in this afternbly, which I can't pais by without a breach of the " truft repored in me by her majerty; and first, I thall observe, that at the opening of the lessions, I recommended to you the fettling a revenue, and the preparing feveral bills which I thought might be useful for the country; and I told you, that if you found any thing elfe necessary to be provided for by alaw you should always find me ready to agree to any thing theorigh be reasonable; but instead of proceeding upon mot things fo necessary, that they ought to have employed your first thoughts, you have squandered away your time in hawking after imaginary grievances, for the fpace of one whole month, without making one flep \* towards the service of the queen, or the county you have prefumed to take the queen's fubjects into the custody of the serjeant at arms, who are not members of your house, which you call having the and is a more four violation of the liberies of the people; you have taken upon you, to administra

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feath to one of your members, and have expelled

the house for refusing to take an earn, which possessed not legally administer to him: This is not certainly robbing that member of his property, as

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a most notorious assuming to your leives a negative voice to the freeholders election of their represent

stives; for which there can be no precedent found: You have arbitrarily taken upon you, to command the high sheriff of this county, to discharge a prisoner who was in his cultody, at the fuit of one of the queen's subjects, and he has been weak enough to do it, for which he lies liable to be fued for an escape, whenever the gentleman thinks fit to do it; and from which you can't protect him: This is a notorious violation of the rights of the subjects, and a manifest interruption of justice: You have taken upon you, to appoint one of your members to act as clerk of the committee of the whole house, which you have no 'power to do; and the party officiating is liable to be profecuted for acting without lawful authority, and without being qualified to act. Thefe, gentlemen, are some of the irregularities you have been guilty of this festions; some of them are encroachments upon the queen's prerogative, the rest are all notorious infractions upon the liberties and properties of the speople our be ungine

I was going to conclude, with giving you fome wholesome advice a but I consider that will be but labour loft, and therefore shall referve it for perions

theirs lo secessity, that they ought to have employed

who I hope will make a right use of it.

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pace of one whole month, without making on le The effembly's reply to Lord Cornbury's answer to their you have prefumed controlled remonstration of hubects into

he cuffody of the ferream at who are no THE affembly did not immediately go upon the confideration of a reply, having before them the treafurer, Peter Fauconier's accounts, in which they found counts. many articles extraordinary in their nature, several of them being paid by Cornbury's order barely, and the whole without youchers; they fent for him; he attending, refuled to lay his youthers before them without the governor's commands; two members were fent to the governor

governor, to defire him to order the treafacer to lay the vouchers of his accounts, and the orders for the payment of the fums therein mentioned before them; the governor faid, he had already ordered it, thought was what he could not legally do, because the lord high treaturer had appointed an auditor general for the pro-vince, and he not being in it, had deputed one to audit the accounts, and that the treaturer was accountable only to the lord high treasurer; but if the house was diffatisfied with any articles in the accounts and thought proper to apply to him he would faisfy them. This was not done; and the accounts extraor. dinary as they were, remained unferted till Hunter's administration leveral years after. Several bills of confequence were now also under confideration; bur Combury, apprehensive, that if he suffered the sessions w continue much longer, it would produce fomething ou to his advantage, on the 16th adjourn'd the house all the next September, to meet him at Ambey. In the October following they met accordingly: The firt thing now concluded on, was a reply to the foregoing answer to their remonstrance; next place, they resolved N. C. D. that they would raile no money till the governor confented to redrefs the grievances of the country which if he did, they would raise & 1500 for support of government for one year, 3000 1000

On the 28th, the house sent a committee to acquaint the governor; that having seen his answer to their remonstrance in print, they thought sit to make a reply to it, and desired to know when he would admit them to wait on him with it; the governor said, he would return an answer in due time; they waited for his message till next day, and then concluding he intended to clude giving them opportunity of presenting it; seat a committee with it, but he would not receive

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it; a upon which they ordered it to be entered in their journal, as follows:

May it please your excellency.

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WE, the representatives of this her majesty's prospince of New Jersey, finding her majesty's subjects greatly, and as we are very well satisfied with good reason, aggrieved; thought we could not answer the trust reposed in us by our country, should we not endeayour to get those hardships removed under which they labour.

It was needless to hunt after imaginary grievances real ones in too great numbers presenting themselves and though from you we have missed of obtaining that relief that the justice of our complaints intituled us to; yet we do not dispair of being heard by her faced majesty, at whose royal feet we shall in the humblest manner say an account of our sufferings, and however contemptible we are, or are endeavoured to be made appear, the are persuaded hor majesty will consider us as the tepresentatives of the province of New-Jersey, who must better know, what are the grievances of the country they represent than a governor can do, who regularly ought to receive informations of that kind from them; and we do not doubt that glorious queen will make her subjects here as easy and happy as the can.

When we told your excellency, we had realon to think some of our sufferings were very much owing to your excellency's long absence from this province, which rendered it very difficult to apply to your lord-ship in some cases that might need a present help, we spoke truth; and notwithstanding all your excellency

A Their message to introduce it he received, and the next day laid it before the council, as follows: The house of representatives having sent a message to your excellency, to know when your excellency would be waited upon with a reply this house has made to your excellency's answer to their remonstrance; and your excellency having not, as is usual in such cases, assigned them any time, they have appointed us to wait on your excellency with the said reply, and to deliver it to you.

has faid of a months or twelve weeks, in a year, and the weekly going of a post, we cannot be per-fivaded to believe, that nine months and upwards in a year, is not a long absence, especially when the seal of the province is carried and kept pures the government all, that time; and the homourable colonel Ingoldiby, the lieutenant governor, for fav from doing right, that he declined doing any at of government at all; whether he governs himself by your excellency's directions or not, we cannot mill; but fure we are, that this province being as it were without government for above nine months in a year, we must still think it a great grievance, and not made less fo by carrying the feal of the province to New York, and laying her majesty's subjects under a necessity of applying from the remotalt part of this province, for three parts of the year and better, to your excellency at fort Ann, in New-York, from which place mot of the commissions and patents, granted during your excellency's absence, are dated, (by what authority we shall not enquire) notwithstanding a lieutepant governor relides in the province, and is by her majefty's commission impowered to execute the speen's letters patents, and the powers therein contained, during your excellency's ablence from this province of New-Jersey; without which powers given and duly executed, a lieutenant governor is useless and an unnecessary charge, and we cannot think that her facred majesty, who honoured that gentleman with h great a mark of her royal favour as giving him commission for lieutenant governor of Newrlast, did at the same time inhibit him from executing the powers therein exprest mirrunon tolito vnemol Things are sometimes best illustrated by their contraries; and perhaps the most effectual way to convince the world, that this complaint is frivolous and untrue, as by your excellency alledged, would be, for your excellency to bring the feel of the preand do all the acts of government relating to the profor above three fourths of a year, and let the lieutenant governor refide at New-York thiring that time,
without doing any act of government, adjourn their
affemblies on the very day, or day before they are to
meet, that they may not lofe the advantage of
travelling to New-York, from the remotest part of
that province, and at a time when it cannot be done
without the nemost prejudice to their affairs; it's
hardly probable they would be pleased under such an
administration, not withstanding the case of informing your excellency every week by the post, of any
emergency that might happen.

We are apt to believe, upon the credit of your excellency's affertion, that there may be a number of
people in this province who will never be faithful to,
or live quietly under any government, nor fuffer their
neighbours to enjoy any peace, quiet nor happiness,
if they can help it; fuch people are pests in all governments, have ever been so in this, and we know
of none who can lay a fairer claim to these characters
than many of your excellency's favorites.

What malicand revenge were in the profecution of the condemned perfors, we don't know, we never heard of any till now, and hardly can be perfuaded to believe it's possible there should be in both the inflances.

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It is not impossible, there might be malice in the prosecution of the woman who was condemned for possioning her husband; there not being (as is said) plain proof of the fact, but it was proved she had attempted it before more than once; and there were so many other concurring circumstances as did induce the jury, who were of the neighbourhood (and well knew her character) to find her guilty, and it is hardly probable their so doing was an act of malice.

The woman who murdered her own child, did it in such a manner, and so publickly, that it is unreasonable to suppose there could be any malice in the prosecution of her, and we cannot think (notwithstand-

ing your excellency's affertions), that you can or may believe there was. This woman was a priforer in the sheriff's custody for breach of the peace, and going about forme of the houshold affairs the heaff remployed her in, with a knife in her hand, her child who was fomething froward, followed her croing upon which the mother turned back to it and cut it's throat; but not having cut it deep chough, the child Aill followed her all bloody, and crying, O mother you have hort me; the mother turned back a feored time, and cut it effectually, and then took it up and carried it to the theriff or his wife. at whole fee the I laid it: How far fuch a wretch is intitled to the queen's favour, her majefty can beffitell, when the is made acquainted with the fact; but fare we are, the never gave your excellency the power of pardoning wiful murder? Whether your excellency has or has not reopieved them, you best know, and are only accountable to her majefty for your procedures therein; the we have too much reason to believe, the savonable opinion your excellency has to bublickly expressed of her, has been a great reason to induce her to make her escape, which the has done!- do the thought it out duty, humbly to represent that minter to your excllency's confideration, and had realth to be appreciafive of the judgments of almighty God, whole latonite mercy has hitherto suspended the execution of his justice, notwithstanding that great provocations have been given him, by implety, prophanenels and debauchery, under the male of a pretended zeal for his glory, and love for his church to the our bulenels to enter into religious contraverses pinelan them to divines, who ought belt to understand thing of that nature, and who may perhaps inform us wha is meant by denying the very effence of the faviour of the world by the queen a leave at conclusion at "We cannot yet be perfunded," that an innocent

We cannot yet be perfuaded, that an innocent person should pay sees; what the practice in England is, we did never enquire, but believe, that person

acquitted by a grand jury, do not pay those extrave

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gant fees they are made to pay here; we did not govern ourselves by the practice there, but the unresfonableness of the thing; and your excellency does grant, that what we fay is in fome measure to be allowed, were the juries in this country fuch as they ought to be; we hope they are, and our experience has not convinced us, that perfons who under presence of conscience refuse an oath, have yet no regard for the paths they take, as your excellency fays, The temptations to resentment prove often too powerful and irrefiftably engage us in unbecoming heats, and when the characters, of men are written with pens too deeply diptin gall, it only evinces a want of tems per in the writer. Our juries here are not fo learned or rich as perhaps they are in England, but we doubt not full as honeft, We thought the only office for probate of wills was at Burlington, bur your excel lency has convinced us, that it is wherever your excellency is and confequently may be at York; Albany, the east end of Long-Island, or in Conmedicut, or New England, or any place more remote should your excellency's business or inclination call you there , which is so fan from making it lefs a grievance, that it rather makes it more for and norwithstanding those fost, cool, and considerate terms of malicious, scandalous and frivolous, with which your excellency vouchfafes to treat the affembly of this province; they are of opinion, that on judicious or impartial men, will think it reasonable, that she 'inhabitants of one province should go into another to have their wills proved, and take letters of adminiftration at Fort Ann, from the governor of New-York, for what should regularly be done by the governor of New-Jersey in Jersey, to which place all the acts of government relating to New-Jersey, are limited by the queen's letters patents under the great feal of England; and when your excellency is absent from New-Jersey, to be executed by the lietttenant governor; and by the faid letters patents not the least colour of authority is given to your excellency,

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A. D. 1707. e lency, to do any act of government relating to New-Jersey, any where but in Jersey; nor is there any instruction (that we know of) contradicting the said letters patents any where upon record in this province, to warrant your excellency's conduct in that affair? If this be not cause, and just cause of complaint, we do not know what is, we are inclined to believe, the province of New York would think it so, were they to come to Amboy or Burlington, to prove wills, &c.

We do not think, that what we defire, is an invafion of the queen's right; but what her majefly, without infringment of her prerogative royal, may affent to; and their late majefties of bleffed memory, did, by their governor colonel Fletcher, affent to an act made in New-York, in the year 1692, entitled, An act for the supervising intestates estates, and regu-· lating the probate of wills, and granting letters of administration; by which the court of common pleas in the remote counties of that province, were imopowered to take the examination of witnesses to any will within their respective counties, and certify the fame to the fecretary's office; and the judges of the feveral courts in those remote counties, impowered to grant probates of any will, or letters of administration, to any person or persons, where the effit. did not exceed f. 50; what has been done there may with as much reason be done here, without factificing the queen's prerogative royal to the humours of caprices of any person or persons whatsoever. ' It is the general affembly of the province of New

whose persons (considered as quakers) or meetings we have nothing to do, nor are we concerned in what your excellency says against them; they perhaps, will think themselves obliged to vindicate their meetings from the aspersions which your excellency is

how void of rashness and inconsideration your excelency's expressions are, and how becoming it is for

the governor of a province to enter the lifts of controverly, with a people who thought themselves
entitled to his projection of them in the enjoyment
of their religious liberties, those of them who are
members of this house, have begged leave in behalf
of themselves and their friends, to cell the governor,
they must answer him in the words of Nehemiah to
Sanballat, contained in the 8th verse of the 6th
chapter of Nehemiah, viz. There is no such thing
done as thou sayest, but thou seignest them aut of thine
own heart.

We are so well assured the fast is true, that the secretary's office is kept at Burlington only, that we fill are of opinion it as a grievance, for the reasons we have assigned, the proprietors records has not any thing to do with the secretary's office, but is an office wholly belonging to the proprietors, and altogether at their disposal; and is not a secretary's office kept at Amboy, either as far as the nature of the thing requires or can admit of on any way at all

And as the affemblies and courts fit alternately at Amboy and Burlington, so it is highly reasonable the secretary's office should be kept alternately also at both these places, or by deputy in one of them, and may be very well done without making two secretaries.

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Both this and the rest of our complaints, are not with design to amuse the people, but are just and reasonable; and we believe, will by the people be thought to be grievances till they are redressed; who can no more think, it reasonable, that all the inhabitants of the eastern division should come to the office at Burlington, than that all of the western division should go to Amboy.

We are still of opinion, the grant we complain of is against the statute we mentioned, because it is exclusive of others, and to the prejudice of the publick. It can never be thought reasonable to prohibit any body to cart their own goods, or any body's else, as by virtue of that grant has been done; and not only in

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the road from Amboy to Burlington, but in the fold from Shrewfbury; and a parent may as well be granted to keep horses to hire, by which a man may be hindred to ride his own: It is destructive to the common rights of men, and a great grievance, and we had reason to endeavour to get it redressed.

we had reason to endeavour to get it redressed. It's true, a certain convenience for transportation of goods, is no doubt of great use, and the profit that accrues by fuch undertakings, is the motive that induces any persons to be at the charge of them, and providing fit carriages for that end, and of aftertaining the times and prices of carrying; and the more providers of such carriages, the more certain and cheap the transportation, and freeft from impolition; and confequently the fewer carriages, the less certain and dearer, and the perfons under a necessity of using them more subject to be imposed upon by the carrier; a now whether granting by which others are excluded waving the unlawfulnels of it, be a means to increase the number of the undertakers in that kind, or to leffen them, and confine those who have any occasion to transport goods, to give fuch price as he that has the patent thinks fit to impofe, we leave to all men of common fenfe to judge; and if experience this be admitted to determine that metter, it is plain the transportation of goods, both by land and water, dearer than it was before the granting of that patent It's true, the certainty was not fo great as now; for now we are certain that a man cannot with his ow · carts carry his own goods, but that if he does the will be feized; and if that be one of the convenience which the wife people in Europe think of abide necessity, we shall think it no irony to be called w

necessity, we shall think it no irony to be called with in differing from them, and calling them monopole as they are, and prejudicial to trade, and especial the trade, and especial to trade.

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that between York and Amboy, Burlington a Philadelphia; which did not owe it's beginning your excellency's patent, but was begun long before

your excellency had any thing to do with New-Jerk and in all probability had much more encreased se

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it not for that patent; and we believe whenever the gentlemen of the law will give your excellency their true opinion of it, you will not be long in doubt whether 'tis a monopoly or not: We thought it a monopoly, as we do still, and a grievance, as is also both that and other grants made by your excellency at fort Ann in New-York, for any thing in Jersey.

'Your excellency has neither by birth nor acquisition, a right to the fovereignty of New-Jersey; nor have you any power of governing the queen's subjects here, but what her majesty is pleased to grant you by her letters patents, under the great of England; by which letters patents the powers therein contained, are 'limited to that country, which was formerly granted by 'king Charles the fecond, under the name of Nova Ca-'fana or New-Jersey, and which has fince been subdi-'vided by the proprietors, and called East New-Jersey, and West New-Jersey, and which her majesty is pleased to reunite under one entire government, viz. "The "divisions of East and West New-Jersey, in America; "and in case of your excellency's death, or absence from "that country, which was subdivided by the proprie-"tors, and called East New-Jersey and West New-"Jersey, the powers of government are lodged in "other hands.". Now either fort Ann and the city of New-York, is in that country granted by king Charles the second, and sub-divided by the proprietorsthereof, and called East New-Jersey and West New-Jersey; or your excellency is absent from New-Jersey, when you are at fort Ann in New-York; that fort Ann is in New-Jersey, we believe, that even your excellency will think impracticable to prefuade us to do fo much violence to our reason as to believe; therefore your excellency when at fort Ann, or any where in New-York, is ablent from New-Jersey; and what the consequence is we need not say, thinking the pretence of a power to do acts of government, relating to New-Jersey, at fort Ann, in New-York, to be so manifestly absurd, as to need nothing further, to be faid against it.

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There is nothing more common in the statutes than the establishing fees, and we are of opinion that all fees have been established by act of parliament; and indeed it feems to us unreasonable they ' should be established by any other authority; for if a governor, either with or without his council, can appoint what fums of money shall be paid for fees, he may make them large enough to defray the charge of government, without the formality of an act of affembly, to raise a revenue for the necessary support of the same; and if it does not come up to the taxing of the queen's subjects, without their consents in

' affembly, we are to feek what does.

"We cannot think the clause of your excellency's instructions, which we have recited, to be so foreign to the matter of fees, as your excellency fays it is; for the enforcing the payment of fees by any authority but that of the affembly's, is taking away a man's goods otherwise than by established or known laws, except the act of a governor and council be a 'law, which we think is not, nor never intended by the queen it should; nor do we think, by the instructions your excellency mentions, you are to establish fees; but only to regulate those already appointed, and to take care that no exaction was used; but if it did, your excellency has convinced the world, that ' you do not think yourfelf bound by the queen's inftructions, but where the law binds also.

As in the case of Ormston, where nothing could be more positive than her majesty's directions; yet 'your excellency did not think yourfelf ministerial, or by not complying with her majesty's orders, that 'you accused the best of queens, with commanding her governor to do a thing which was not warranted by law; nor never enquired, whether the refuling obedience to her commands, was a fit return for the many favours she had bestowed upon you; but go vern'd yourself in that singular instance as near you could by the law. The feventh clause was not

put in to arraign the queen's express commands

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vour excellency; but to complain of the great hard-' ships her majesty's subjects lay under, by your excel-'lency's putting the records there mentioned, into the hands of Peter Sonmans, who is not the proprietor's recorder, nor had no express command from the queen to put the books into his hands; and may in part answer the challenge made by your excellency in the last part of the next foregoing clause; for your 'excellency had commanded the faid records to be put into the hands of Mr. Bais, the queen's fecretary; upon which, application was made to her majefty, who was pleafed to give an order in favour of the proprietors; and without all peradventure, it was 'intended they should be in the hands of the proprietor's recorder, which Mr. Thomas Gordon was at that time, and regularly is still, being constituted by the majority of the proprietors in the eastern division, and by your excellency fworn; mr. John Barclay was 'also by your excellency sworn, and a proclamation 'iffued in his favour; fince which Mr. Peter Sonmans arrived from England, and upon application to your 'excellency, was by your excellency, admitted receiver general of the quit rents, and the proprietors records by your excellency put into his hands; which, with fubmission, we think could not be done regularly by your excellency: For in the first place, they were constituted by the majority of the proprietors, whose fervants they were, and to whom they were accountable, and to none elfe.

'2. These places were the properties of Mr. Thomas Gordon and Mr. John Barelay; and to deprive them of them, without due course of law, is what your excellency has no authority to do, nor can have.

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3. Whether they were made by the greater of leffer part of the proprietors, your excellency was no ways concerned, nor had any right of determining in the favour of either one or other, the law being open to any who thought themselves aggrieved.

4. Those books and records were the properties of the general proprietors; and if your excellency can

disposses

dispossess any proprietor of them for Thomas Gordon was a proprietor) and put them into the hands of another, you may by the fame rule dispossess any one of their goods, and give them to who you think fit, and any proprietor of their property, and give it to which of the proprietors you think fit, as is actually done by your excellency in the case of Sonmans; and was attempted with the fame violence in favour of Mr. Bass: It will not be a sufficient answer to this, to fay, Sonmans was proprietor's agent: which whether he was or was not, your excellency ' had no right to determine to any other purpose but administring an oath to him, after which he was of course to be allowed; and so ought as many agents as the proprietors made, who were not accountable to your excellency for any procedures in the proprietors affairs, that were not unlawful.

6. Sonmans neither had, nor pretended to have, at that time (whatever he has done fince) any right or colour of right, to be the proprietors recorder, not any mention being made of it in that very lame commission he had; and were he to have the top of his pretences, it would but to be deputy to a person in England; and whether he has a right or not, is a great question, and regularly only determinable at the common law; but your excellency's shorter method of procedure faves disputes of that kind: If this be acting according to established and known laws, not repugnant to, but as agreeable as may be, to the laws of England; if this be administring those laws for the preservation and protection of the people, we would be very gladly informed, what perverting of them can be; as to the matter of fact, we averit to be truth, that Mr. Sonmans did not refide in the province, had not given fecurity for the keeping of those records, as by the queen is positively directed, they were carried out of the Eastern division, and were produced at the supreme court at Burlington at the time of our complaint. · Those

'Those things, and that gentleman's character, are so well known, that it is needless to offer any thing selfe in justification of that reasonable request we made, that they might be so kept as her majesty's subjects might have recourse to them, and in the hands of such of whose sidelity there is no reason to doubt.

These, may it please your excellency, were the grievances we complained of; and they were but a small number of many we could with equal justice remonstrate; and which, notwithstanding those soft, cool, and considerate terms of false, scandalous, and malicious, and other bitter invectives which your excellency so often uses to the representative body of acountry; we are still of opinion, they are not imaginary, but real grievances, not false, but God knows too true; and which it was our duty, in discharge of

'the trust reposed in us, to get redres'd.

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Our fad experience has convinced us, that our endeavours have not met with a fuccess answerable to what might reasonably be our expectations, and that instead of redressing the grievances of the country, their number is encreased: Before we enumerated those grievances of an higher nature, and attended with worse consequences, we first said, the treatment the people of New-Jersey had received, was very different from what they had reason to expect under the government of a queen deservedly famous for her just, equal and mild administration; that the hardhips they endured, were not owing to her majefty, who they were well affured, would by no means, make any of her subjects miserable, nor continue their misfortunes were she acquainted with them, and in her power to give them relief; but that the oppressions, they grouned under, were the unkind effects of miftaken power; and what these effects were, and who the cause of them, we proceeded to shew; and if the instances we there give, be true, it will then appear to the world, that the expressions we have used, are the foftest could be chosen, and very far short of what the nature of the thing could bear, and that these

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bold accusers are a fort of creatures called honest men, iust to the trust reposed in them by the country, who

will not fuffer their liberties and properties to be torn

from them by any man, how great foever, if they can hinder it.

And that the reasonableness of our complaints may appear the plainer, we shall consider what your excel-· lency has faid in answer, and leave it to our superiors,

and to all just and impartial men, whether we are not

a people the most abused of any of her majesty's

fubjects.

As to the first instance, your excellency does acknow-· ledge the fact to be true, and offers the following

reasons to justify your conduct to the council of proprietors: The first is, that by her majesty's directions

you are to allow of all fuch agents as the general proprietors shall appoint, such agents qualifying them-

· felves by taking fuch oaths as the queen is pleafed to

direct, and no other; that no persons under the name

of a council of proprietors, have ever tendered them-· felves to take fuch oaths; confequently they are not

capable of acting as agents.

2. That the council of proprietors are a people e pretending to act by a power derived from certain persons who have no power to grant, and that this a truth, viz. that they are a people pretending to act by a power derived from certain persons, who had ono power to grant, your excellency is fatisfied; befide

other reasons, by this in particular, that the affembly have voted to put the records into the hands of Peter

Sonmans, to be a grievance; whereas their not qualifying themselves is a greater grievance. To set this

matter in a true light, it will not be improper to pro-

duce the words of the instructions; which are as

follows: "You are to permit the furveyors and other " persons appointed by the 'forementioned general

" proprietors of the foil of that province, for furveying

and recording the furveys of lands granted by and held of them, to execute accordingly their respective

trusts: And you are likewise to permit, and if need 6 be

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"be, to aid and affift fuch other agent or agents, as "hall be appointed by the faid proprietors for that end, " to collect and receive the quit rents, which are or shall "be due unto them, from the particular poffessor of "any tracts or parcel of land from time to time; pro-"vided always, that fuch furveyors, agents, or other "officers appointed by the faid general proprietors, do " not only take proper oaths for the due execution and "performance of their respective offices and employ-"ments, and give good and fufficient fecurity for "their fo doing; but that they likewife take the oaths "appointed by act of parliament to be taken instead "of the oaths of allegiance and supremacy; as also "the test, and subscribe the forementioned affociation; "all which you are accordingly to require of them, "and not otherwise to admit any person into any such "office or employment." After the proprietors had furrendered their power of government, relating to

their foil, they were under a necessity of employing persons, to survey and record the surveys of lands granted by and held of them; and in the Eastern division, several quit rents being due to them, there was a necessity of having one or more agents to collect and receive those rents; which persons (because the crown intended, that the proprietors by the surrender of their government, should by no means be insecure in their properties) your excellency was directed not only to permit such officers to be and execute their

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respective trusts, but also to aid and affist them, if need were; and because such offices were places of trust, both with respect to the proprietors and the inhabitants, it was directed, that they should take proper oaths, and give good and sufficient security; and that they who enjoyed those places of trust, might be persons well affected to the present government, there was especial care taken, to direct, that they should

take the oaths appointed by act of parliament to be taken, which your excellency was to require of them, and not otherwise to admit them to execute those trusts: From all which we observe, first, that no

agents

A. D. agents are concerned in that instruction, but such as 1207. were to survey and record the surveys of lands, and collect the quit-rents.

a certain number of agents, but might employ as many as they thought fit; all which your excellency

was to aid and affift if need were.

'3. Your excellency was not to expect while they tendered themselves to take the oaths appointed, but to require them to take them; and upon their resulal not to admit them; for it was impossible they, or any else, should deem themselves bound by the queen's instructions to certain performances, except such instructions had been made publick, and they made acquainted with it.

Now in the first place, your excellency never pubfished any such instruction, nor ever did require those agents called the council of proprietors to

comply with it by taking any oaths.

2. The council of proprietors are not such agents

as the instructions mention,

'3. Were that instruction binding, your excellency
has by no means complyed with it; for the surveyor
appointed by the proprietors of the western division,
has several times tendered himself to take and subscribe according to her majesty's directions, and

has been refused.

4. Mr. Sonmans, tho' a bankrupt, and his powers disputed, admitted to keep the records of the eastern division, and that without any security; and persons who were sworn to those places, and employed by proprietors, and a greater number, not only not permitted to act, but deprived of their places (with which your lordship had nothing to do) without a due course of law, forceably by your lordship's directions.

4. Astly the council of proprietors are attornics.

Lastly, the council of proprietors are attornies to private men, for the taking care of their several properties, and are neither concerned in that instruction, nor bound by it; if they were, we shall not dispute

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dispute how far that instruction may be a law to your. lordship, but we are fure 'tis fo to no body elfe, but where the laws of the land bind without it; and tif fo, 'tis no fufficient warrant to destroy any man's property, or deprive him of the use of it, without the judgment of his peers; for your lordship cannot but know, if you do not, the last clause of the petition of right will tell you, that the queen's fervants are to ferve her according to law, and not otherwife; and every gentleman of the law can inform your. 'excellency, if he pleased, that the queen's authority for warrant produced (if you had done any fuch. thing) cannot justify the commission of an unlawful act; which this certainly must be, except the law provides that no man must make an attorney but with your lordship's approbation: As to the second reason, to use your excellency's expressions, if we 'could wonder at any thing your excellency has done, it would be at the reason your excellency gives, as 'much as at the action; it being a plain pretending to a right of judging folely who have a right to their 'estates, and who not, and according to that judgment to permit them to retain or force them to part with their possessions; for in the first place, that matter was never brought before your lordship, and what information you had (if you had any) was private; and we are told no freeman can be dispossessed of his freehold but by judgment of his peers, or the law of the land; but here is at once a determination, that a number of proprietors, nigh or above nine tenths of the whole, have no right to grant, and accordingly they are prohibited taking up or disposing of their lands; for the council of proprietors, are all proprietors themselves, except mr. Morris, their president; and we can't see, but any freeman, or number of freemen in the province, may be dispossessed by the same measures; for 'tis but your lordship's faying, the persons they had their lands from, had no right to grant, and then order the poffeffors to make no further improvements, por to difpole

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pose of any of their lands; and thus conclude them without the tedious formality of the old magna charta way; and who is hardy enough to dispute with

a man that commands two provinces?

2. What your excellency afferts, with relation to the council of proprietors, viz. that they were per-fons deriving a power from those who had no right to grant, is what your excellency neither did, onor could know; that you did not know it, nothing is more plain; because your excellency some days after your lordship's answer to our remonstrance, furnmoned some of the council of proprietors before yourself in council, and there asked them the following questions, viz. First, who the late council of proprietors were? Secondly, who were the present council of proprietors? Thirdly, who they derived their powers from? Fourthly, what their powers were? By which it appears, your excellency neither knew who the council of proprietors were, what their powers were, nor who they derived them from; which is very far from knowing whether the persons who gave them those powers, had power to grant or not; and that your excellency could not know, is as plain; because the deeds of what proprietors are in this country, you never did fee; and those that are

in England, you could not fee. · How your excellency is, from our voting the put. ing the records into mr. Sonmans hands to be a grievance, fatisfied that the persons from whom the council of proprietors derive their power, have no power to grant; is very much beyond our poor capacities to understand, and may perhaps be of the number of those unanswerable objections your lordfhip tells us of in your answer. To the next clause your lordship justifies your proceedings with the affemblymen, as being your duty; and that what

you did, was by virtue of the queen's instructions; how far they will justify your excellency's conduct is our next bufiness to speak to; but in the first place

we are obliged to your excellency, for acknowledge ing

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ing the matter of fact; which the notoriously known, was omitted to be entered in the journals of this house, by your excellency's faithful servant, mr. William Anderson, late clerk of this house.

By the queen's instructions, not the least colour of authority is given to your excellency, to be a judge of the qualifications of affemblymen, fo as to admit or reject them; which is not only a direct contradiction to the very nature and being of affemblies, but must render the liberties, lives and properties of the people entirely at your excellency's disposal; which as her majesty never intended, so without doubt she never 'did intend by any instruction to make so precarious; 'and how well she'll be pleased at wresting her instruc-'tions to authorize what we are well fatisfied fhe will be very far from countenancing, time may inform us: This house could not be so much wanting to themselves, and the province they represent, as to omit taking notice of a procedure, which tends to destroy the very being of affemblies, by rendering them the tools of a governor's arbitrary pleasure, and the enemies instead of the preservers of the liberties of their country; and we are well affured, that nothing your excellency has faid, will perfwade the world to believe, that your excellency or any other governor, has that power you pretend to, or that it can be confistent with the liberties of a free people.

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'that most of them were raised with intent and purpose to give to your lordship, to procure the dissolution of the last assembly, and procure such officers as the contributors should approve of; that in all probability the money so raised, was given to your lordship; that the assembly was dissolved; that the contributors were complied with as far as could be; that you did receive from doctor John Johnston, two hundred pounds, upon the score of the proprietors of the eastern division of New-Jersey; are such notorious tuths, that it is a vanity to deny them; and will be believed, notwithstanding all the

force of evalive arts to persuade to the contrary:
And since we have mentioned doctor Johnston, it's
not amiss to enquire, whether the services you were
to do the proprietors were such as your lordship
ought, or ought not to have done; if they were such
as you ought to have done, you ought not to have
taken money for the doing of them; if they were such
as you ought not to have done, much less ought your
lordship to have taken money; and had you not been
more than ordinarily concerned in those private contributions, without all peradventure would have used
all possible endeavours to have detected the thing, and
not given those publick marks of your favour to the
persons most concerned in the persuading and procuring of them.

As to what relates to the affembly, as your lordfhip is not accountable to this house for what reasons you diffolved them, neither is this house to your lordhip for their proceedings; they acted as became a house of representatives in the affair of Mr. Gordon, and what they did, was not without your lordship's approbation; if that could add any thing to the power they had: As to your excellency's reflections on private men, 'tis below the representative body of a province to take any further notice of them, than to do that justice to the two worthy members of this house, as to say, they both have, and deserve better characters than your excellency gives them; and that the humblest application you can make to her majesty will never induce her to grant you a power to use any means to procure a fatisfaction but what the laws allow of, without fuch application: We concluded, by acquainting your excellency, that the way to engage the affections of a people, was to let them be unmolested in the quiet enjoyment of those things which belong to them of right, and should have dated our happiness from your excellency's complying with fo reasonable and just a desire; to which your excele lency replied, that you could never answer taking advice from men, who did not know how to govera themselves

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themselves, and who have always opposed the service of the queen, and interest and good of their country:
We shall wave the admirable coolness of temper, and considerateness of the reflection; and say, your excellency could hardly have used plainer terms, to tell us, you will not let us be quiet in the enjoyment of what belongs to us of right; and your excellency's proceedings since that, has effectually convinced the world, that we have not put a wrong construction on your excellency's expressions.

'Are not her majesty's loyal subjects haul'd to goals, 'and there lie without being admitted to bail? and those that are the conditions of their recognizances are, that 'if your excellency approves not of their being bailed, they shall return to their prisons; several of her maje-'fly's good subjects forced to abscond, and leave their habitations, being threatned with imprisonment, and 'no hopes of receiving the benefit of the law; when 'your excellency's absolute will is the sole measure of it: One minister of the church of England, dragg'd by a sheriff from Burlington to Amboy, and there kept in custody, without affigning any reason for it, and at last haul'd by force into a boat by your excellency, and transported like a malefactor, into another government, and there kept in a garrifon a priloner; and no reason assigned for these violent procedures, but your excellency's pleasure: Another mininister of the church of England, laid under a necessity of leaving the province, from the reasonable apprehensions of meeting with the same treatment; no orders of men either facred or civil, secure in their lives, their liberties or estates; and where these procedures will end, God only knows.

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'If these, and what we have named before, be acts of mercy, gentleness and good-nature; if this be doing for the good, welfare and prosperity of the people of this province; if this be the administring laws for the protection and preservation of her majesty's subjects; then have we been the most mistaken men in the world, and have had the falsest notion of things;

calling.

calling that cruelty, oppression and injustice, which are their direct opposites, and those things slavery, imprisonment and hardships, which are freedom, liberty and ease; and must henceforth take France, Denmark, the Muscovian, Ottoman and Eastern

empires, to be the best models of a gentle and happy government.

'Your excellency at last endeavours to persuade the country, that the assembly, instead of protecting are invading the liberties of the people; and if we might have the liberty of using some of your excellency's cool and considerate terms, perhaps the following instances might justify those expressions; but we leave that to just and impartial men, who no doubt will apply them where they are most due.

Your excellency afferts in the first place, "You have presumed to take the queen's subjects into the custody of the serjeant at arms, who are not member of your house; which you can't lawfully do, and a notorious violation of the liberties of the people. Answer: There is nothing more known, than the the contrary to what your excellency says is true and hardly a session of parliament but affords multi-tudes of instances, nay, several instances can be produced during the time of your excellency's being if the house of commons; and what your excellency means by afferting a thing, which every body the knows any thing, knows is not so, we can't tell.

"Secondly, "You have taken upon you to administrate an oath to one of your members, and have expell'd him from the house for refusing to take as oath which you could not legally administer to him this is most certainly robbing that member of his property, and a most notorious assuming to you selves a negative voice to the freeholders election to their representatives, for which there can be no proceed to the freeholders election to their representatives, for which there can be no proceed to the freeholders."

"Answer: We never did administrate the freeholders and the selection of the freeholders."

an oath, (tho' we think we have power so to do what oaths were administered were administered be justices of the peace before us: We expell'd the

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member for several contempts; for which we are not accountable to your excellency, nor no body else in this province: We might lawfully expel him; and if we had so thought fit, might have rendred him incapable of ever sitting in this house; and of this many precedents may be produced. We are the freeholders representatives; and how it's possible we should assume a negative voice at the election of ourselves, is what wants a little explanation to make it intelligible.

"Thirdly, "You have arbitrarily taken upon you "to command the high-sheriff of this county, to dif"charge a prisoner who was in his custody at the suit
"of one of the queen's subjects; and he has been weak
"enough to do it, for which he lies liable to be sued for
"an escape, whenever the gentleman thinks fit to do it,
"and from which you can't protect him; this is a
"notorious violation of the right of the subject, and
"a manifest interruption of justice." Answer: The
person we ordered to be discharged, was an evidence
attending by order of the house, and under the protection of this house; who were only wanting to
themselves, in not sending the high-sheriff and lawyers to the same place, for daring to offer so publick
an affront to the representative body of a country.

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'Fourthly, "You have taken upon you to appoint one of your members to act as clerk of the committee of the whole house, which you have no power to do, &c." Answer: Your excellency has been so very much mistaken in all the foregoing clauses, that we have great reason to believe you are so in this: This house has always, till of late, made their own clerks, and your excellency cannot shew us any law why we may not do it still, should we think sit to infist on it: We have made no encroachments on her majesty's prerogative royal, nor never intended to do it, but shall to our utmost, study to preserve it, and honourably support her government over us, and hope your excellency will think it for the service of the queen

## THE HISTORY

A.D. to comply with our reasonable desires; which will tron. very much encourage us so to do.

Divers of the members of this affembly being of the people called Quakers, do affent to the matter and substance, but make some exception to the stile.

P. M. Die Veneris. 24 Octobris, 1707. By order of the house, Sam. Jenings, speaker.'

## CHAP. XVIII.

Memorial of the West-Jersey proprietors residing in England, to the lords commissioners for trade and plantations: The lieutenant governor, with some of the council, address the queen: The last meeting of assembly, under Cornbury's administration: They continue their complaints: Samuel Jenings's death and character.

THE foregoing proceedings being by connection necessary together, has delayed the following memorial a little out of course as to strict order of time: The western proprietors residing in England, had much resented Cornbury's treatment of the inhabitants, especially in relation to the three members being kept out of the assembly, by which he gained a majority devoted to his measures; and thus they complain.

To the right honourable the lords commissioners for trade and plantations.

The humble memorial of the proprietors of the Western division of the province of New-Jersey, in America.

WE humbly acknowledge your lordships gree justice, in making the terms of our surrender of go vernment, part of the lord Cornbury's instruction to the lord cornbury's instruction with his

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relating to the faid province; and heartily with he excellency had given us occasion of acknowledging his due observation of the instruction, instead troubling

troubling your lordships with a complaint of his breach of them, which we are fully assured from undoubted testimonies his excellency has made in the following instances; and the he endeavours to palliate his proceedings there, by frequently and publickly afferting, that your lordships consented to no terms upon our surrender; yet were that as great a truth as it is a mistake, and those instructions had been only of grace and favour, we conceive him to be obliged, and ourselves intituled to his punctual observation of them.

'stis one of the terms consented to by your lordships, and one of his excellency's instructions from
your lordships; that the general assembly shall conshift of four and twenty representatives; two to be
chosen by the inhabitants, housholders of the city or
town of Perth-Amboy; two by the inhabitants,
housholders of the city or town of Burlington; ten
to be chosen by the freeholders of the eastern, and
ten by the freeholders of the western division; in
which election, every elector is to have one hundred
acres of freehold land in his own right, within the
division for which he shall choose; and every person
elected is to have one thousand acres of freehold
land in his own right, within the division for which
he shall be chosen.

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'This instruction, which we relied on as the chief security of our estates in that province, his excellency has not only violated, but has totally destroyed that part of our constitution; and in such a manner as will render all assemblies a meer piece of formality, and only the tools of a governor's arbitrary pleasure.

For fetting which proceeding in a due light, we must crave leave to lay before your lordships the account we have received of it from our agent, and other reputable persons of that province.

An affembly having been called and chosen, in the year 1703, pursuant to your lordships instructions, prepared bills for settling the rights of the proprietors and planters, and for raising a revenue

of thirteen hundred pounds per annum, for three ' years, (which they knew was the utmost the country could bear) for the support of the government; but his excellency requiring a greater fum, feveral persons. our constant enemies and invaders of our properties, and who therefore opposed the bill for settling our rights, undertook to procure an affembly more obedient to his excellency's demands; and by that and other arguments, which out of regard to his honour, we choose to wave the mention of, prevailed upon him to diffolve that affembly, and to call another to fit in November last; the writs were issued, and the election directed to be made, in fuch hafte, that in one of the writs the qualifications of the persons to be elected was omitted, and the sheriff of one county onot fworn till three days before the election, and many of the towns had not any (much less due) notice of the day of election; but paffing by thefe, and · many other illegal artifices used by those undertakers to obtain an affembly to their own humour; we shall infift only upon one grand inftance, which is not to be parrallel'd in any of her majesty's plantations, and could not have been attempted without his excel lency's encouragement, nor put in practice without his concurrence.

his concurrence.

'When this affembly was met, and attended his excellency in council, in order to be fworn; make the council, and of the undertakers to procure fuchs affembly as they had promised) suspecting the strengt of their party, objected against three of the member returned, as persons not having each, one thousand acres of land, and therefore unqualified to serve in the affembly; though these persons had such estates and and were generally known to have so, and

the time of their election had convinced Revell as Leeds, who opposed them under that pretence, of the truth of it; and this objection was not examinable or determinable by his excellency or his council,

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therwise than in the house of representatives,

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are the only proper judges of their own members; vet his excellency, upon this bare suggestion of Revell and Leeds, refused to swear these members, and ex-'cluded them from fitting to ferve their country; this attempt was seconded by another trick of Revell and Leeds, who immediately fent the following note to the house of representatives.

'To the honourable the house of representatives,

Gentlemen.

WE underwritten, supposing we had good reason to charge three of the persons returned to serve as representatives in this general affembly; but upon due consideration find it difficult to come to a true determination thereof, until we can by further enquiry find the truth of what we have been informed of wetherefore humbly defire fourteen days time further, that we may be able more fully to inform this house therein, which we humbly suppose at present cannot reasonably be expected from us; we subscribe ourselves THOMAS REVELL. your humble supplicants,

'Nov. 15, 1704.

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DANIEL LEEDS.

'The counties for which they were chosen to serve, expressed a great distatisfaction at the exclusion of their members; and thefe and feveral other representatives deliver'd an address to his excellency, for having them admitted to their right; which met with no other reception, than being called a piece of infoknce and ill manners.

By this exclusion of three members, and the contempt of the address for their admission, the undertakers gained a majority by one in the house of representatives, who adjourned the hearing of this cale, until they had reaped the fruits of their iniquity, and accomplished the ends for which it was contrived for whilst this case was depending, a bill for taking away the qualifications of electors and the elected, and placing the right of chooling and being cholen n the freeholders generally, without any express value of their estates, was prepared and pass'd, wherein

there is this remarkable and felf-condemning declaration of his excellency's proceedings, viz. that reprefentatives met in general affembly are and shall be the

'judges of the qualifications of their own members.

'After this and one other act, which we shall here-

after this and one other act, which we shall here after take notice of in it's proper place, were passed a day of hearing was allowed to the three excluded members, and notice of it given to Revell and Leeds, who would not vouchsafe to appear, but having already obtained their ends, graciously signified by a message,

their mistake in their objection to those members.
The house proceeded in the inquiry, and by deeds and other authentick proofs, was so fully satisfied of the estates of the excluded members, and that Revell and Leeds had been convinced thereof, at the time of their elections, that the house unanimously declared them duly qualified, and sent two of their body to acquaint his excellency of it, and to pray they might be sworn; but his excellency, whether out of a desire of assuming the glory of his arbitrary proceeding wholly to himself, or of making the country sensible that notwithstanding the act so lately passed, declaring the house judges of their own members; he was resolved to exercise that power for the future; or so

what other reason we know not, told those messenger he must be satisfied of their qualifications, as well the house; and still keeps them out of the assembly.

'This we conceive to be the affuming a negative voice to the freeholders election of their representatives; and such an invasion of the rights of the affembly, as will, if tolerated or connived at, play the whole legislature in the governor; for if he can at his pleasure, reject three representatives, he may reject all, and make what laws he thinks fit without the formality of an affembly; but if this notonical violation of our constitution had not been made to him, and the affembly had consisted of it's full proportion of duly elected members; we conceive, as

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are advised, that his excellency had no authories for any probable colour from his instructions for passing

paffing this act; for though the instruction relating A. D. 1707-

to the election of general affembies, allows an alteration by act of affembly, of the number of the representatives, and the manner of their being elected; it leaves no power to the general affembly to alter the qualifications of the electors or elected; which was intended to be a standing and unalterable part of the constitution, as most agreeable to the constitution of England, where the electors of knights of the counnes must have a certain fixed freehold; and the elected are generally the principal landed men of their respective counties; but the alteration now made,

was intended to put the election of representatives into the meanest of the people, who being impatient of any fuperiors, will never fail to choose such from

amongst themselves, as may oppress us, and destroy

our rights. 'It is another term of our forrender, and an instruction to his excellency, that no act should be made to lay a tax upon unprofitable lands; but his excellency has encourag'd and affented to a bill in this last affembly, for taxing (without distinction) all lands belonging to the inhabitants there, and to all others not inhabiting there who have fettled any plantations, either by tenants, fervants or negroes; it is objection enough to this act, that there is no other colony in America wherin uncultivated lands are taxed; and as this act was intended, fo none more effectual could have been contrived, to prejudice the country in general, or the proprietors in particular; for if any man who has a thousand or more acres of land, which he can neither manure nor fell (as. most of the first planters have) he must pay a tax for this land, which may eat up the greatest part of the profit of what he can and does cultivate; or he must defert the whole; and if we, who have great tracts of land of many thousand acres to fell, lett or fettle but a few acres to maintain our agents or fervants, we must pay a tax for all the residue which yields us nothing: In consequence of this act several persons who had agreed with our agent for lands, have ' renounced

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renounced their bargains, and removed into other countries, where they can purchase great tracts of land, preserve them for their posterity to settle on: and we, unless relieved from this oppression, must deliver up our lands or our purses: This tax is imposed by the act passed in the assembly for raising revenue of two thousand pounds per annum, for two years, for the support of her majesty's government within that province; and we have great reason to be Lieve it to be part of the return promised by the under takers to his excellency, for his diffolving the forme affembly, and curtailing the last of three members.

It is another term of our furrender, and an instruc tion to his excellency, that the surveyors and other persons appointed by us, for surveying and recording the furveys of land granted and fold by us, shall be e permitted to execute their trufts; but his excellent has taken upon him, even contrary to the advice of his council, to appoint fees for patenting lands; which has created an opinion in the people, that the power granting lands is in him, has leffened the credit of our title to lands, and encouraged the planters to di

'His excellency has ordered all publick book

pute our right.

records and papers, to be delivered by our late fecreta to mr. Bass, our great debtor, and therefore of avowed enemy, and has carried our records of den and conveyances out of the province; by this meth the proprietors of both the divisions are deprived all means to justify their past administration of t evidences of their grams of lands to the purchase under them, (all the furveys and patents bei recorded in those books) and will destroy the office our register, or at least will disable him to perfor his duty in some cases; which by acts of general affer

bly he is obliged to do. It is a further term of our furrender, and infin tions to his excellency, that all officers be appoint by advice of the council; but his excellency has of flittuted feveral officers without fuch advice, and p

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ticularly a sheriff of Burlington, who was therefore suspended by order of council, and yet continued to

act under his lordship's appointment.

We are further informed, that his excellency hath put several mean and contemptible persons into the commission of the peace, particularly one whom he knew to be under prosecution for felony; and has given commissions in the militia to others, who have no estate in the province, and therefore are not like to be zealous in the defence of it.

It is matter of some wonder to us, that after so many acts of despotic power, his excellency did not fassume to himself, or obtain from the last assembly, an authority of licencing any persons to purchase lands from the Indians; but condescends to apply to your lordships, for an alteration of his instructions in that particular; there wants only the breach of this instruction to compleat the ruin of our interests in New-Jersey, and we humbly hope your lordships will not enable him to give that finishing froke: This instruction, founded upon the right which the crown of England claims by the law of nations, to all countries discovered by English subjects, was intended to 'affert that right against the pretences of many planters, who fet up the Indians title in competition with it; and if that right be taken from the grantees of the crown, all patents and grants of the whole main land of North-America, have been only royal frauds, under the fanction of the great seal of England, and no man will ever after purchase lands under that title.

His excellency was lately fo fully fatisfied of the policy and reasonableness of afferting this right to the crown and its grantees, that in the year 1703, he recommended, and affented to an act of affembly, for restraining all persons besides the proprietors, from purchasing lands from the Indians, under great penalties; and for vacating all such purchases formerly made, unless the purchasers took a fresh grant from the proprietors; of which act we humbly pray your lords in a contract to the proprietors; of which act we humbly pray your

lordships perusal.

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We are purchasers for ready money, under a grant from king Charles the second, and are willing to sell our lands and the Indians title to it, at reasonable rates, according to the goodness of the soil and situation, and ought not to be compelled to accept a quit-rent (much less a quit-rent to be let by other persons than ourselves as his excellency proposes) instead of selling for ready money; nor ought our properties to be at the disposal of a governor: 'Tis not the want of a power in the planters to purchase lands from the Indians, but the taxing of uncultivated lands, and overturning the constitution for assembly-men, that has occasioned those persons mentioned by his excellency, to remove to Pennsylvania and other colonies.

'May it please your lordships,
'The usage we have received from his excellency, is
so contrary to the terms of our surrender of government, to the affurances we had from your lordships,
of the due observance of them, and to the plain instructions given by your lordships to his excellency;
that we humbly hope, it will not be thought any
immodesty or want of duty in us, to protest, as we do
protest against all the proceedings of the last affembly,
wherein by the arbitrary exclusion of three members
without any just exception, the country was not duly
represented, and to beg your lordships intercessor
with her majesty, that the acts passed in that affembly
may not be consistency that colonel Lewis Morris, who

we further pray, that colonel Lewis Morris, who has been a fecond time suspended from his place is council, by his excellency, only for using the free dom which every member of the council is entitled to and ought to exercise, of opposing any bill brough before them, if he conceives it prejudicial to the interest either of the country in general, or of any particular persons, may be restored; and that your lord ships will please to place in the room of such as are dead some of the persons following, viz Mr. Miles Foster

fome of the persons following, viz Mr. Miles Following, wiz Mr. Miles Following, wir. Miles Following, wir. Miles Following, who are men of know integrity

integrity and eftates; and as a further fecurity of our eftates there, and that no perfons may at any time be admitted of the governors council, or to be in the commission of the peace, or of the militia, but such who have real estates in the province suitable to their fations, and who refide there.

Signed by Thomas Lane, Paul Dominique, John Bridges, Rob. Mitchel, Tho. Burrow, Fra. Mitchel, Eben. Jones, Jos. Broofbank, John Norton, Jo. Bennet, E. Richier, Tho. Skinner, Rich. Greenaway, Jos. Collins, Cha. Mitchel, Jos. Micklethwait,

Tho. Lewes, Wm. Snelling.

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Two days after Cornbury had refused to receive the affembly's reply, he fent for them, and though feveral important bills were unfinish'd, adjourn'd the house to the fpring next year; Not receiving the reply in form, he escaped the necessity of attempting to clear up what he could not do with justice or equity: Some of the glaring facts still confirm'd the truth of the charges against him, he thought he had a more effectual way of dealing; that was, to lodge a complaint with the queen; accordingly by an underhand artifice, his trusty friend the lieut. governor Ingoldsby, with some of the council, signed and privately transmitted an address, as follows.

'To the Queen's most excellent majesty. V 'The humble address of the lieutenant governor and to the 'council of Nova-Cæsaria or New-Jersey, in 'America.

'May it please your majesty;

We the lieutenant governor and council of your 'majesty's province of Nova-Cæsaria or New-Jersey, having feriously and deliberately taken into confideration the proceedings of the present assembly or representative body of this province, thought our 'selves bound, both in duty and conscience, to testify to your majesty, our dislike and abhorrence of the fame;

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fame; being very fensible, that the unaccountable humours and pernicious defigns of some particular men, have put them upon fo many irregularities, with intention only to occasion divisions and distractions. to the disturbance of the great and weighty affairs which both your majesty's honour and dignity as well as the peace and welfare of the country required; their high encroachments upon your majesty's prerogative royal; notorious violations of the rights and liberties of the subjects; manifest interruptions of justice, and most unmannerly treatment of his excellency the lord Cornbury, would have induced us fooner to have discharged our duty to your majesty, in giving a full representation of the unhappy circumftances of this your majefty's province and government; had we not been in hopes that his excellency the lord Cornbury's full and ample answer to a most scandalous libel, called the remonstrance of the affembly of Nova Cæsaria or New-Jersey, which was delivered to the governor by the affembly at Burlington in May last, would have opened the eyes of the affembly, and brought them back to their reason and duty; but finding that those few turbulent and uneafy fpirits in the affembly, have fill been able to influence and amuse the judgments of many well-meaning men in that body; as appears by another late scandalous and infamous libel, called, "The reply of the house of representatives of the " province of New-Jersey, to an answer made by his " excellency Edward viscount Cornbury, governor of st the faid province, to the humble remonstrance of " the aforesaid house:" We are now obliged humbly to represent to your majesty, the true cause, which we conceive may lead to the remedy of these confusions, The first is owing to the turbulent, factious, uneasy, and disloyal principles of two men in that affembly, mr. Lewis Morris, and Samuel Jenings, a quaker; men notoriously known to be uneasy under all government; men never known to be confiftent with themselves; men to whom all the factions and

confusions

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confusions in the government of New-Jersey and Pennsylvania for many years are wholly owing; men that have had the confidence to declare in open council, that your majefty's instructions to your governors in these provinces, shall not oblige or bind them, nor will they be concluded by them, further than they are warranted by the law, of which alfo they will be the judges; and this is done by them, (as we have all the reason in the world to believe) to encourage not only this government, but also the rest of your governments in America, to throw off your majesty's royal prerogative, and consequently to involve all your dominions in this part of the world, and the honest, good and well-meaning people in them, in confusion, hoping thereby to obtain their wicked purpoles.

The remedy for all these evils, we most humbly propose, is, that your majesty will most graciously please to discountenance those wicked designing men, and shew some dislike to this affembly's proceedings, who are resolved neither to support this your majesty's government by a revenue, nor take care to defend it by settling a militia: The last libel, called "the reply, "&c." came out so suddenly, that as yet we have not had time to answer it in all its particulars; but do affure your majesty it is for the most part false in fact, and that part of it which carries any face of truth, they have been malicious and unjust in not mentioning the whole truth; which would have fully justified my

flord Cornbury's just conduct.

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'Thus, having discharged this part of our duty, which we thought at present incumbent upon us, we beg leave to assure your majesty, that whenever we shall see the people of this province labour under any thing like a grievance; we shall, according to our duty, immediately apply to the governor, with our best advice for the redress of it; and we have no reason yet to doubt of a ready compliance in him; we shall not be particular, but crave leave to refer to his excellency's representation of them to the right honourable

diffolv'd.

A.D. honourable the lords commissioners for trade and 1707. ' plantations.

The strenous afferting of your majelty's prerogative royal, and vindicating the honour of your governor the lord Cornbury, will in our humble opinion, be

fo absolutely necessary at this juncture, that without

your fo doing, your majefty will find yourself deceived either in expectation of a revenue for support of the

e government, or militia for its defence.

'In hopes your majesty will take these important things into your confideration, and his excellency the

lord Cornbury, with all the members of your majefty's council, into your royal favour and protection;

we shall conclude with our most fervent prayers to

the most high, to lengthen your days, and encrease your glories; and that ourselves in particular, and all

others in general, who reap the benefit of your maje-

fty's most gentle and happy government, may be, and ever continue the most loyal and dutiful of sub-

e jects to the most glorious and best of queens.

Rich. Ingoldsby, William Pinhorne, R. Mompeson, Thomas Revell, Daniel Leeds, Daniel Coxe, Richard

Townley, Rob. Quarry, William Sandford.

On the 5th of the month called May, this year, 1708. the affembly met at Burlington: Jenings their speaker T. Gor- being indisposed, Thomas Gordon was chose to sucdon, spea- ceed him: They received the speech; and delivered ker. their address the 12th; which containing the old story

of grievances, fo displeased the governor, that he immediately adjourn'd them to the September following, to meet at Amboy, but in the interval diffolved them; Affembly and being himself soon after superseded, he met them no more; the business of the last session began by his

telling them in his fpeech.

It was the great defire he had to fee the fervice of Speech the queen, and good of the province carried on, fopported and provided for, that induced him to call them cogether

1708.

together; to prepare and pass such laws as were proper; and that he might not be wanting in his duty, he hould point out what he thought requied their immediate notice; the first was a bill for support of government; that the revenue the queen expected was 1. 1500, per annum, to continue 21 years; next the reviving or re-enacting the militia bill, which was likely foon to expire; that he had every fession since he had been governor, recommended the passing a bill or bills for confirming the right and property of the foil of the province to the general proprietors, according to their respective rights and titles; as also to settle and confirm the particular titles and estates of all the inhabitants of the province, and others, claiming under the proprietors; that he was still of opinion, such a bill would best conduce to the improvement, as well as peace and quiet of the province; that he had fast year recommended the passing of bills for erecting and repairing prisons and court houses in the different counties, the building of bridges in places where they were wanting, by general tax; and as late experience had taught the necessity of settling the qualifications of jurymen, he defired they would prepare bills for these purposes; and revive such of the acts of assembly passed in the time of the proprietary government as would be of use, that they might be presented for the queen's approbation.

The affembly in their address on this occasion, de- Affemblys clare, they then were, and always had been ready and address. desirous to support the government to the utmost of their poor abilities; that they were heartily forry for the misunderstanding between the governor and them; that about twelve months ago they had humbly reprefented to him, fome of the many grievances their country laboured under; most of which they were forry to fay, yet remained, and daily increased; that

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they found the queen's good subjects of the province were continually profecuted by informations, upon frivolous pretences, which rendered that excellent constitution of grand juries useless; and if continued, would put it in the power of an attorney general, to raise his fortune upon the ruin of his country.

That they found it a great charge to the country, that juries and evidences were brought from remote parts of the province, to the fupreme courts at Burlington and Amboy; that it was a great grievance that the practice of the law was fo precarious, that innocent persons were prosecuted upon informations, and actions. brought against several of the queen's subjects, in which the gentlemen licenced to practice the law, were affraid to appear for them; or if they appeared, did not discharge their duty to their clients, for fear of being fuspended, without being convict of any crime deserving it, or reason assigned; as was done at Burlington, in May last, to the damage of many of the queen's good

subjects.

That they found the representatives of this her majesty's province so slighted, and their commands so little regarded, that the clerk of the crown had refused to iffue a writ for the electing a member wanting in their house; they hoped he would consider, and remove these and many other inconveniences and grievances that the province labour'd under; which would enable them to exert the utmost of their abilities, in supporting her majesty's government, and would make them happy under the mild and meek administration of a great and glorious queen; that they doubted not, were her majesty rightly informed of the poverty and circumstances of their country, and that their livelyhoods depended upon the feafons of the year; their most gracious sovereign would pity their condition, and never expect the fettlement of any support of government, further than from one year to another. That

1708.

That they found the present militia bill so great a grievance to their country, they could never think of reviving or re-enacting it, as it now was; though they were heartily willingly to provide for the defence of their country, which they hoped might be done with greater ease to the people; that they had been, and fill were endeavouring to answer her majesty's commands, in confirming the right and property of the foil of the province to the general proprietors, according to their respective rights and titles; and likewise to confirm and fettle the particular titles and estates of all the inhabitants, and other purchasers, claiming under the proprietors; but tho' they had feveral times met in general affembly, they had not opportunity to perfect it; they acknowledge the favour of being put in mind of providing prisons, court-houses, and bridges, where fuch were wanting, which they should take into consideration.

That they had a bill for fettling the qualifications of juries, prepared last sitting at Amboy, and should now present it; and thanking him for reminding them of reviving their former laws; fay, they had before appointed a committee for that end; but were impeded by Bass, the secretary, positively refusing to let them have the perusal of them; and that as they had always used their utmost endeavour in the faithful service of the queen, and for the benefit of the country; fo they hould still continue to do it with all the dispatch they were capable of.

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Here we part with lord Cornbury's administration. 9. Cornbury.

Lord

9. At a council held at Amboy, 28th of March 1708. petition of Edward viscount Cornbury, late governor of this province; fetting forth, that he had due to him, fundry fums of money, for which he defired warrants, to enable him, if the revenue of this province was not able to pay the same, he might demand the same of her majesty, was read, and dismissed.

" Lord

Here

A.D. 1708. S.Jenings's death and character.

Here also we part with his opponent S. Jenings; his indisposition continued about twelve months, and then finished his life: His many services have occasioned him to be often mentioned; His profession of religion was that of the people called quakers; he was early an approved minister among them, and so continued to his death; common opinion, apt to limit this sphere of action, will however allow general rules to have their exceptions, as instances now and then, though perhaps but rarely, occur, where variety of talents have united in the same individual, and yet not interfered; fuch, the accounts of those times (stripp'd of the local uncertainties of faction and party) tell us, was the circumstance with regard to Jenings; that his authority, founded on experienc'd candour, probity, and abilities, enlarged opportunities, rendered him no

Lord Cornbury, (fays a writer, well inform'd in his character)
was no less obnoxious to the people of New-Jerfey, than to those
of New-York: The assembly of that province, impatient of his
tyranny, drew up a complaint against him, which they sent home
to the queen.

'Her majesty graciously listened to the cries of her injur'd subjects, divested him of his power, and appointed lord Lovelace in
his stead; declaring, that she would not countenance her neares

relations in oppressing her people.

As foon as my lord was superceded, his creditors threw him into the custody of the sheriff of New-York; and he remained there till the death of his father, when succeeding to the earldon of Clarendon, he returned to England.

We never had a governor so universally detested, nor any who so richly deserved the publick abhorrence; in spite of his nobe descent, his behaviour was trifling, mean and extravagant.

It was not uncommon for him to dress himself in a woman's habit, and then to patrole the fort in which he resided; so freaks of low humour exposed him to the universal contempt of the people; but their indignation was kindled by his despoted rule, savage bigotry, insatiable avarice and injustice, not only to the publick, but even his private creditors; for he left some of

the lowest tradesmen in his employment unsatisfied in their judemands.' Hist. of New York, p. 116.

He died in 1723. See notes in the Art. Law. Hyde, E. V. Rochester, Biogr. Brit.

1708.

in one capacity or to one fociety only, but generally uleful: It is mentioned, that he was of an obliging, affectionate disposition, yet of a hasty warm temper; that he notwithstanding managed it with circumspecion and prudence, fo that few occasions escaped to the disadvantage of his character, or of any cause he engaged in; that he faw the danger to which his natural impetuofity exposed him; knew his prefervition lay in a close attention to his cooler prospects, and diligently guarding in that fpot, experienced the benefit in many trying events; that his integrity and fortitude in all stations, were acknowledged; that his udgment was the rule of his conduct, and by what an now be gathered, this feems to have been but klom injudictously founded; that alive to the more merous emotions of a mind form'd to benevolence and acts of humanity, he was a friend to the widow, he fatherless and the unhappy; tender, compassionate, interested, and with great opportunities left but a mall effate; that abhorring oppression in every shape, is whole conduct discover'd a will to relieve and friend mankind, far above the littleness of party of nifter views; that his fentiments of right and liberty. treformed on the revolution establishment, a plan ccessfully adapted to the improvement of a new bentry, or any country; that he was notwithstanding this fometimes thought stiff and impracticable, but iefly on account of his political attachments; yet at there were instances, where better knowledge of principles, and the fincerity with which he acted, ally effaced those impressions, and left him friends ere none were expected: Much of his time, we have n, was long devoted to the publick, with a will to uleful, occasions were not wanting; West-Jersey and Pennfylvania,

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A. D. 1708.

Pennsylvania, r. and New Jersey after the surrenden for near twenty eight years successively; were repeated witnesses of his conduct in various capacities; he studied peace, and the welfare of mankind; but in forme inftances met with ungrateful returns; and tho' his endeavours did not altogether succeed to his mind, he survived personal accusation, in a great measure, with respect to himself; and as to the publick, just lived long enough to see it emerging from an unpromising state of litigation and controverfy, to more quiet than had been known for many years: His three daughters (who were all the children he left) intermarried with three brothers, of the name of Stephenson, who posterity now reside in New-Jersey and Pennsylvania.

In the latter end of this year was a new return members of affembly; their names were, For the Eaftern division: Thomas Gordon, speaker; Thomas Farmer, Elisha Parker, John Royse, John Harrison Benjamin Lyon, Gershom Mott, Elisha Lawrence John Trent, William Morris, Enoch Machelsen, -Eldridge. For the Western division, Thomas Ga diner, Thomas Raper, Hugh Sharp, Nathaniel Crips John Kay, John Kaighn, Richard Johnson, Nath niel Breading, Hugh Middleton, John Lewis: The affembly met, but upon the new governor's arriv was diffolved.

r. He lived fome years, and bore several important office Pennsylvania. .. See p. 124, 295. AM 2 18 18 28 3 AM 18 19



## CHAP. XIX

lord Lovelace arrives governor: Convenes a new offembly; they apply to him for a hearing on the fubject of the lieutenant governor and council's application to the queen: His death; is succeeded by the lieutenant governor Ingoldsby: The first paper currency: Arrival of governor Hunter: A short account of the first expedition to Canada; A new assembly chosen, their first session in Hunter's time.

appointed to succeed lord Cornbury; he summoned the council to meet him at Bergen, December 29, 1708, published his commission, and met a new assembly, in the spring, at Perth-Amboy, and informed them by speech:

That he was very fensible of great difficulties attending the honourable employment in which her majesty had placed him, and he hoped they would ever fail to affish him to serve the queen and her people; that her majesty had shewn, in the whole murse of her reign (a reign glorious beyond example) low much she aim'd at the good and prosperity of the people; having with indefatigable pains united to two kingdoms of England and Scotland, and matinued the same application to unite the minds of all her subjects; that this was her great care, and hight to be the care of those whom she deputed to A a 2

1. For the Eastern division: Elisha Lawrence, Capt. Price, G. Mot, Shepard, J Johnston, T. Gordon, J. Harrison, Thomanandolph, Geo. Duncan, John Trent, Law. Vanbuskirk.

Western division: John Kay, speaker, P. Fretwell, J. Kaighn, I. Sharp, T. Lambert, John Lewis, Samuel Smith, Dennis, hob Spicer, Robert Wheeler, William Bustill.

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A.D.

1709.

Speech

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govern the distant provinces, not happy enough by fituation to be under her more immediate government; that as he could not fet before him a better pattern, he should endeavour to recommend himself to them, by following as far as he was able, her example; that he should not give them any just cause of uneafiness, under his administration, and hoped they would bear with one another; that past differences and animolities ought to be buried in oblivion, and the peace and wellfare of the country only, purfued by each individual; that her majesty would not be burthenfome to her people; but there being an absolute necesfity that the government be supported, he was directed to recommend that matter to their confideration; that they knew best what the province could conveniently raise for it's support, and the easiest methods of raising it; that the making a law for putting the militia on better footing than it at present stood, with as much eafe to the people as possible, required their considera tion; that he should always be ready to give his affer to whatever laws they found necessary, for promoting religion and virtue; for the encouragement of trad and industry, and discouragement of vice and pro phaneness, and for any other matter or thing related to the good of the province.

Affemblys address.

The affembly, in their turn, told the governor be address; that they esteemed it their great happiness that her majesty had placed a person of so much tempt and moderation over them, and made no question be would surmount every difficulty with honour as safety.

That her majesty's reign would make a bright le in history; that it was the advantage of the press and would be the admiration of future ages, not mo for her success abroad, than prudence at home; the the their distance had and might formetimes be disadvantageous to them, yet they experienced the effect of her princely care, in putting an end to the worst administration New-Jersey ever knew, by sending bim, whose government would always be easy to her majesty's subjects here, and satisfactory to himself, whilst he followed so great and good an example.

That they had no animosities with one another, but firmly agreed to do themselves and their country justice; that they were persuaded none that deserved publick censure, would have a share in his esteem; and doubted not of meeting with his hearty concurrence in every measure, that conduced to peace and good order.

That they should support the government to the utmost of their abilities, and most willingly so at a time when they were freed from bondage and arbitary encroachments, and were convinced that vice and immorality would no more recieve the publick counterpance and approbation.

They affured him, all his reasonable desires would be commands to them; and promised it should be their study to make his administration as easy and happy as they could.

The session lasted a month, in which business went on with unusual smoothness; the assembly obtained from the governor, a copy of the address (before intend) from the lieutenant governor and council, to the queen, in 1707; they thanked him for the favour, and requested he would desire the lieutenant governor, and all that signed the address, to attend him at such time as he thought sit to appoint, to prove their allegations; and that the house might have leave to be present, and have opportunity of making their desence, in order to clear themselves from such imputations.

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The governor shewed a ready inclination to grant his request, and appointed a day for a hearing; but by

the artifices of those concerned, it was evaded from time to time: Whether they at last gain'd their point does not appear.

Most of the inhabitants of New-Jersey, now pleased themselves with the prospect of happy times: With a change of governors followed a change of measure and favournes; impartiality and candour succeeded trick and design; the tools of the former administration having nothing but the protection of that to support them, sunk into neglect.

It was Cornbury's weakness to encourage men that would flatter his vanity, and trim to his humours and measures; these were sure of his favours; but the case was otherwise now: Such of the former favourites a yet continued in the council, were not without their share of disesteem; even the considence which has been usually put in that board, on passing the support bill, was discontinued: The assembly declaring to Lovelace, that the they had an entire considence in this justice and prudence, respecting the disposition of the money for support of government, they had not the considence in the gentlemen that were now of her major council; and that this was the reason they had altered the former method; and therefore requested he would favourably represent it to the queen in their behalf.

V

In general assembly, now passed, is yet in force; the substance of he and the additional one passed at a different session, but in the sm year, is, that every voter shall have 100 acres of land in his own right, or be worth £.50 current money; that the persons elected, he have 1000 acres in his own right, or be worth £.500 cure money, in personal estate; that the representatives and electers he freeholders, and have estates sufficient to qualify him or then the division where electing or chosen; that the house of representative shall be judges of the qualification of their members; that the sufforsitures shall attend undue returns as in England; and that no passed in the province. See also the laws of 1725 and 1730. Vol. p. 142, 195.

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The difference of these administrations will appear

on a thort comparison.

The first on the subject of a support, makes use of the following expressions: 'That I may not be wanting in my duty in the flation the queen has been pleased to honour me with a I shall put you in mind of those things, which I think ought to be immediately provided for; the first of which is providing a revenue for the support of government; the revenue which the queen expects is fifteen hundred spounds a year, for one and twenty years. and one

Lord Lovelace, ten months afterwards, upon the fame occasion, speaks as follows: Her majesty would Inot be burthenforme to her people, but there being an 'absolute necessity that the government be supported; I am defired to recommend that matter to your confideration; you know best what the province can conveniently raise for its support, and the easiest method

of railing it.

Hence may be feen, that the inhabitants had fome reason to promise themselves more happy times than beretofore; but to their great difappointment, lord Lovelace died within a few days afterwards, and the administration devolved on the lieutenant governor Lovelace ingoldfby, who laid before the affembly the delign of dies. the crown, respecting an expedition against Canada, under the colonels Nicholion and Vetch; they immediately voted £. 3000, for the service, by an emission of paper bills of credit, but did not now pass the bill.

The lieutenant governor adjourned them for a few weeks, and then told them, he had given them another opportunity of doing their duty to her majefty, and what their country required at their hands.

That he found in their votes at last fitting, a resolve for raising £. 3,000, for her majesty's service; that this was now become a debt, and they had only to confider

Lieutenant governor's peech.

of ways and means of raising it; and that a proper application was made for the paying of their quots of men appointed for reducing Canada.

First paper money.

The affembly prepared three bills, one for raifing £. 3,000, another for enforcing its currency, and a third for the encouragement of volunteers, going on the Canada expedition; these bills having received the governor's affent, the house was adjourn'd to the first of November, to meet at Burlington; in November they met accordingly, but deferred business till December, when they sat ten weeks, passed is bills, were then adjourn'd, and afterwards prorogued from time to time, till dissolved by governor Hunter, in 1710.2

w. Here began the paper currency in New-Jersey: The care of the legislature respecting it, in this and all the succeeding emissions being to render the funds for finking, according to the acts that created it, secure, and to prevent the currency failing in value; by changing the bills as they became ragged and torn, and allowing no re-emissions on any other account whatsoever; it has these from the beginning, preserved its credit, and proved of great levice to the proprietors, in the fale of their lands, and to the lettlets, in enbling them to purchase and contract, and pay English debts, and go on with their improvements; the fecurities when iffued on loss, were double the value in lands, or treble in houses, and five per centinterest; but now (1765) there is none current on this footing:

The funds for finking by tax the money created for the expedition and other purposes, are mortgages (secured in the acts that make the respective emissions) on the estates real and personal, in the province; hence they are secured as firmly as the province itself; bey are a legal tender to all the inhabitants in the province, and elewhere, but not to others, except while in the province: The mittances of this province to England, being chiefly from New-York and Philadelphia, and the bills no legal tender there, they on never operate to the prejudice of English debts; let exchange beant may, because none there are obliged to take them; this is a particularity only belonging to the state of trade, of New-Jersey, and renders a paper currency there, free from the objections usually made against it in England.

y. For a few months before governor Hunter's arrival, William Pinhorne, as president of the council, exercised the office of com-

## OF NEW-IERSEY.

It was in the latter end of the year 1708, that col. Vetch first applied to the court of Great-Britain, for sea and land forces, to reduce Canada; he, with col. Vetch and Nicholfon, obtain'd a fmall force from England, and Nicholfon instructions to the several governors on the continent to give them what affiftance they could: . They had a promise of a fleet of ships of war to follow them in due time; they came over in the beginning of fum-

z. The inftructions to the governor of New-York and New-Jersey, were as follows:

ANNE R.

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COOL

Right trufty and well beloved, we greet you well: Whereas we are fitting out an expedition with great expence, for the fecurity of our subjects in your government, from the neighbourhood of the French at Canada, which has been very troublesome to them of late years: According to certain proposals laid before us by our trusty fand well beloved colonel Vetch, and purfuant to the many applications that have been made to us by our subjects, who have suffered very much from the French in that neighbourhood; we do hereby strictly require and command you, to be affisting to this expedition, after the manner that the faid colonel Vetch shall in our name propose to you, and that you look upon those parts of his instructions which relate to you, and our government under your care, and which we have ordered him to communicate to you, in the fame manner as if they were our positive commands directed to yourfelf, and that you pay the fame obedience to them:
And whereas there may be fome particulars in our above mentioned infructions, as that which concerns the place of rendezvous, in which you who live in the country, may be the most proper judge; we do therefore leave this and the other the like circumflances, to be altered at discretion; provided, that colonel Vetch and colonel Nicholson, do agree with you in any such alteration; and provided you do punctually observe the number of men which Syou are to furnish, and the time when they are to appear and be on a readiness to enter upon their expedition: And fo we bid you farewell. Given at our court at 6t. James's, the 28th of February, and in the feventh year of our reign.

By her majefly's command,

SUNDERLAND.

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A.D.

Colonels

<sup>&#</sup>x27;To our trufty and well beloved John Lord Lovelace, our captain general and governor in chief of our province of New-York and New-Jersey, in America, or in his 'absence to the commander in chief of the said provinces f for the time being."

mer 1709,4 and brought with them the following instructions, directed to col. Vetch.

ANNE R.

Instructions for our trusty and well-beloved Col.

Vetch, to be observed in his negotiations with the governors of feveral of our colonies in

America: Given at our court at St. James's,

the 28th day of February, 1708-9, and in the

feventh year of our reign.

Whereas you have laid before us the proposal of an enterprize on Canada and Newfoundland, which may turn very much to the security and advantage of our subjects in those parts of America, as well as to the prosperity of our kingdoms in general; we having taken the same into consideration, do entirely approve of the said proposal; and in order to execute it effectually, have thought fit to give you these our

following instructions.

You shall immediately repair on board the ship appointed by our high admiral for the transporting of you, with officers as shall be sent under your command, to several of our colonies in North-America; upon your arrival at New-York, you are to deliver to our governor of that place a letter from us, and communicate to him these our instructions, acquainting him, that we shall expect from him a punctual

a. The colonels Nicholson and Vetch both appearing at a comcil held at Amboy, the 30th May, 1709, it was concluded, that
George Riscarricks should be forthwith sent to Weequehals, the
Indian sachem, to acquaint him, that the lieut, governor Ingoldsly
expected his attendance on that board forthwith; and that capture
Aarent Schuyler should forthwith send for Mahcotuinst, Cohomickick, Ohtostolonoppe, Meskakow and Teetee, sachems of the
Minissinks and Shawhona Indians; who appearing soon afterwards,
joined in the undertaking; and Ingoldsby, governor of New-Jerse,
G. Saltonstall, governor of Connecticut, and C. Gookin, governor
of Pennsylvania, jointly commissionated colonel Peter Schuyler, the
23d of May, 1709, to be over these and the other Indians on the
expedition; and soon afterwards the said three governors joined in
a petition to Nicholson, that he would take upon him the chie
command of the expedition; after which he bore the name of
general Nicholson.

and ready compliance in all such as relate to him;
you shall represent to him, that out of a great desire
to answer the frequent applications which have been
made to us, by our good subjects the inhabitants of
those parts, to deliver them from the neighbourhood
of the French of Ganada, which of late years hath
been so troublesom to them, we have sitted out an
expedition, the particulars of which you shall lay
before him, and withal let him know, that we strictly
require and enjoin him, to give such an assistance to

the faid expedition, as is hereafter specified, 'You shall fignify to him our pleasure, that the governor of New-York do furnish a quota of eight hundred men, including the four flanding companies; and that the city regiments of York and Albany do duty in the forts, during the absence of the said flanding companies. You shall at the same time acquaint him, that New-Jersey is to furnish two hundred men; Connecticut three hundred and fifty, and Pennsylvania one hundred and fifty; so that the whole force will confift of fifteen hundred effectives; which are to be disposed into four battalions; each battalion to have one of the four regular companies mixed and incorporated in it, and to be commanded by the captains as colonel whose company is so incorporated in it, and under him by the respective officers of the country troops,; the officers that go with you, and are defigned for New-York, to be distributed among the companies, as the governor in concert with the commander in chief, shall think best for the fervice.

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You shall likewise acquaint our aforesaid governor, in our name, that we do command and expect from him, that the quotas of his government, be ready at Albany, with all things necessary for the expedition, by the middle of May next ensuing, at the furthest; and that he furnish all the troops with what arms and ammunition they want, out of the magazine at New-York; and that he do forthwith get together and keep in readiness, three months pro-

VILION

vision for his quota of those, to be transported and lodged in some convenient place at the wood creek, or elsewhere; for the security of which, he shall, in conjunction with the governments of Connecticut and Pennsylvania, cause to be built a large wooden store house; as also six or more large boats, that will carry sixty men each, for the transportation of their heavier stores by water; and also contract with the sive nations, to make with all speed, as many cances as will be wanted for the said expedition.

You shall moreover enjoin the aforesaid governors in our name, to command and engage the aforesaid five nations, as also the river Indians, to join with all their fighting men in the said expedition, and promise them a good present if they do; you shall likewise acquaint them, that it is our pleasure that he give all fitting encouragement to any gentlemen, or others, that shall offer themselves to go as volunteen in this our service.

You shall deliver a letter from us to the governor of Connecticut, and another to the governor of Pennsylvania, for the time being, and lignify to them our royal will and pleasure, that they have their quotas of men and provisions ready by the middle of May at furthest; acquainting them withal, that the governor of New-York is ordered to affish them with what arms and ammunition they shall want.

After having finished your negotiations for the foregoing expedition, with all possible secrecy and dispatch, you shall deliver a letter from us to our governor of New-England, and another to the governor of Rhode-Island, for the time being, strictly england and commanding them in our name, to raise at least twelve hundred of their best men, according to their usual proportions; and to give all sitting encouragement to any such as shall offer themselves to go volunteers in the expedition, whether gentlemen or others; as also to have in readiness a sufficient number of transports, with three months provisions, and

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and able pilots, whereof capt. Southwech is to be one, and to go in his own galley; and that all may be ready to embark by the middle of May, upon the arrival of the fleet from England; and for their greater encouragement, you shall acquaint them, that we have ordered arms and ammunition to be sent with you, for the number of troops they are to furnish; which arms and ammunition you shall accordingly deliver to the several companies, in presence of the governor or commissary of the country, taking a receipt for the same, which you shall transmit to our board of ordnance in this kingdom.

You shall with the concurrence and advice of our governor of New-England, contract with ship-carpenters, for the building of ten or more large slat bottom'd boats, that will carry sixty men each, for the landing of troops; and also contract with proper persons for the surnishing of eight months provision to the troops that shall be left at Quebec or Montreal, if it shall please God to make our forces masters of those places, and to give us the success that we hope

for from this our expedition.

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And to the end, that nothing may be wanting on our parts, towards engaging the several governments to act with the utmost spirit and vigour in this expedition, you shall assure them in our name, that such of the governments as contribute towards the reduction of Canada, shall have a preference both with regard to the soil and trade of the country, when reduced, to any other of our subjects; and when they shall have concerted among themselves any reasonable proposals, for securing to their respective colonies the benefit of the said soil and trade, we shall not be wanting to give our royal sanction to the same.

'You shall communicate these our instructions to colonel Francis Nicholson, who hath offered himself to go as a voluntier in this expedition; and further, out of regard to his known abilities and zeal for our

fervice,

b. He was mafter of the province galley, belonging to the Maffachusetts government.

fervice, we do require, that you should admit him into your private confultations with our leveral governors, on the methods for putting this your proposal into execution; and if by reason of the distance of time and place, any other preparations may be necesfary for the carrying on this expedition, which we could not here forefee, and which is not contained in these your instructions, you shall, with the concurrence of the governor, who is to affift in any fuch fervice, and of colonel Nicholson, make any such preparations, the it is not in your instructions; provided, that it appear to you absolutely necessary for the carrying on of the expedition aforefaid, and that the governor and colonel Nicholfon do entirely concur in judging it to be fo. SUNDERLAND.

Being arrived, they did their best at raising forces on the continent; but a difference arising among the ministry at home, the ships of war expected from thence, came not: They waited without doing any

thing till the winter, and then Nicholson went back to England, to sollicit further assistance, and forward what had been proposed; to do this with more proba-

bility of fuccess, four Indian sachems of the Free now Six Nations, were prevailed upon to take a royage

to England, to affift what they could in persuading this Expedition: " With these went over col. Schuyler.

c. Indians in England were then a strange sight; these sachems were also considered in proportion to the faithfulues and important of the nations they belonged to, and accordingly much taken notice of: The court was in mourning for the death of George prines of Denmark, the sachems at the queen's expence had under clostly of black, covered with a scarlet mantle, edged with gold; they were carried to court in coaches, and introduced in form to the queen; one of them made a speech, setting forth, that they doubted not the queen was acquainted with their long and tedious war against the French, in conjunction with her children, subjects that they had been a strong wall for the security of these, even to the loss of their best men, as Quider and Anadagarjaux (Schuyler and Nicholson)

They fail'd early in the year; had feveral conferences with the lords of trade; and with Nicholson and the forces he brought, returned in the summer, and arrived at Boston.

A. D.

According to the inftructions to the governments on the continent, for getting their affiltance in readiness, a confiderable armament was raifed, and fer our from Bofton September 18. The fleet confifted of the Dragon, Falmouth, Leoftaff, Fevertham, men of war, the Star bomb, and the Maffachusetts province galley, with transports, in all thirty-fix fail; the forces on board were, one regiment of marines from England, two regiments of Maffachusetts Bay, one regiment of Connecticut, and one of New-Hampshire and Rhode-Island, commissioned by the queen, armed and victualed in part by her gift, and part by the feveral colonies; towards which New-Jerfey was £. 3,000; they arrived at Port-Royal, now called Annapolis-Royal, in fix days fail from Bolton; after fome fmall canonading and bombarding, the French governor Subercasse, capitulated; October 5, the fort was given up, and col. Vetch. according to the instructions for that purpose, became

governor;

Nicholson) could testify; that they were glad an Expedition to Canada had been undertaken, and had assisted in the preparations on the lake, whilst Anidiasia (Vetch) at the same time was raising an army at Boston; that as some important assair had prevented the expected sleet, and rendered the design for that season abortive; they were lest much exposed; and if the Queen was not still mindful of them, they with their families must forsake the country, and seek other habitations, or stand neuter; either of which would be much against their inclinations; they concluded with presenting some belts of wampum.

After this they were magnificently entertained by feveral of the nobility, and were once present at the review of the guards in Hyde-Park, with the duke of Ormond at their head; to him they made a speech, and presented him with three skins, to enforce a request, that he would forward their business with the queen. On their return, at Southampton, Admiral Aylmer, who commanded a sleet there, sent his yatch to bring them on board; they dined with him, and

then failed for America.

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governor; the terms of the capitulation were, that all the French, being four hundred and eighty one persons, within three miles of the fort, should be under the protection of Great-Britain, upon taking the oaths of allegiance; the other French fettlers were left at discretion; that in case the French made incurfions upon the frontiers of New-England, the British should make reprisals upon the French in Nova-Scotia. by making some of the chief of their inhabitants slaves to their Indians; notwithstanding this, the French of L' Accadia, foon after committed hostilities; tho' the Port-Royal and Cape-Sable Indians defired terms of amity and alliance might be fettled with them; which was accordingly done. The men of war and transports failed again for Boston, October the 14th, leaving a garrison in Port-Royal of two hundred marines and two hundred and fifty of the new raised voluntiers from the continent; which were the next year relieved by four hundred of the troops destin'd for Canada.

Nova-Scotia had continued with the French from the year 1662 (except the momentary reduction and possession of it by fir William Phips, in 1690d.) until now; this acquisition afterwards confirmed to Great-Britain by the treaty of Utretcht, hath so remained ever since.

The design respecting Canada, was for this year laid aside; the earl of Dartmouth, secretary of state, wrote to governor Hunter upon the subject, and to encourage an attempt upon Port-Royal, as follows:

Earl of Dartmouth's letter. Sir, Whitehall, August 1710.
The queen commands me to acquaint you, that
as she has formerly taken into consideration the send-

ing over into New-England, such a number of land forces

d. Vid. lieut. governor Hutchinfon's hift. of the Maffachusetts-Bay, p. 397, &c.

forces, that joined with those under your command, and fuch as the neighbouring colonies could have furnished, might have been of strength sufficient to beat the French out of Canada and North-America; ho her majesty had caused this year all necessary preparations to be made, for this expedition; which her majesty has been forced to lay aside for the present, by reason of the contrary winds which happened, when the feafon was proper for the fleet to fail, and in regard of other important fervices which interven'd; the queen commands me to add, that the hopes to receive a good account of the expedition against Port-Royal; having fent away last spring Col. Francis Nicholfon, with fuch commissions, instructions and dispatches. 'as were necessary for that purpose; and that she is very well pleased with the accounts she has received of the zeal with which her subjects under your government embraced this undertaking, and the forwardness they expressed to promote it; her majesty therefore for this feason, out of her tender care for their good and prosperity, intends to pursue this design as soon as the flate of her affairs will permit it, being very fensible of the great advantages which may be thence expected. And as her majesty will not be wanting of herendeavours to promote whatever may conduce to the welfare and security of the colony under your government; so her majesty doubts not, but that proper measures will be effectually taken there for the common fafety and interest, which her majesty earnestly recommends to your care.

This is what I have in command from the queen, who would have you to communicate this letter in the usual manner, to her loving subjects.

'I am, fir, your most humble fervant,

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DARTMOUTH.

Brigadier

A. D. 1710. Brigadier Hunter arrived governor in the fummer this year, called a new affembly to meet the 6th of December; they chose John Kay, of Gloucester, speaker, received the governor's speech; we give it in his own words.

Governo Hunter arrives.

Gentlemen,

Speech.

I am little used to make speeches, so you shall not be troubled with a long one; if honesty is the

best policy, plainness must be the best oratory, so deal plainly with you, so long as these unchristian

divisions which her majesty has thought to defer her repeated notice, reign amongst you, I shall have

' finall hopes of a happy iffue to our meeting.

'This is an evil which every body complains of, but few take the right method to remedy it; let every man begin at home, and weed the rancour out of his

own mind, and the work is done at once.

Leave disputes of property to the laws, and injure to the avenger of them; and like good subjects, as good christians, join hearts and hands for the con

mon good.
I hope you all agree in the necessity of supports

the government, and will not differ about the mean that it may the better deserve your support, I have endeayour to square it by the best rule that I know

i. The members of council in his infiractions were, Is Morris, William Pinhorne, George Deacon, Richard Town Daniel Coxe, Roger Mompesson, Peter Sonmans, Hugh Had William Hall, Thomas Gordon, Thomas Gardiner, Col. Richard.

d. The Members were,

For the town of Burlington, Isaac Decow, Robert Wheeler, county of Burlington, Thomas Lambert, Johna Humphrey, Gefter, John Kay, John Kaighn. The town of Salem, H. Middleton, John Mason. The county of Salem, Bartholomen V. Isaac Sharp. Cape May, Peter Fretwell, Jacob Spicer. The of Perth-Amboy, John Johnston, John Reid. The county of diesex, Thomas Farmer, Adam Hude. Essen, Joseph Marth, Trent. Bergen, Andreas Vanbuskirk, William Sandford. mouth, Gershom Mott, William Lawrence. Somerset, Carl Longfield, John Tunison.

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that is the power, from whence 'tis derived; which A.D. all the world must own to be justice and goodness 'itself.

There are several matters recommended to you by her majesty, to be passed into laws, which I shall lay before you at proper feasons; and shall heartily concur with you in enacting whatfoever may be requifite for the publick peace and welfare, the curb-'ing of vice, and encouraging of virtue.

'If what I have faid, or what I can do, may have the bleffed effect I wish for, I shall bless the hour that brought me hither; if I am disappointed, I shall pray for that which is to call be back, for all power

'except that of doing good is but a burthen.

The affembly's address.

May it please your excellency,

'We fincerely congratulate your accession to the Address; government of this province, and hope the long wished for time is come, in which the unchristian 'causes of our divisions will be taken away, which we prefuade ourselves you will be as willing, as we con-'ceive you are able to do, by divesting a few designing men of that authority, which they use to the worst purposes.

'We have experienced repeated inflances of her 'majesty's care over us; among which one was, the fending the good lord Lovelace, who put an end to an administration the then affembly of this province, with great justice, stile the worst New-Jersey had ever known; that good man lived long enough to know how much the province had been oppressed, the not to remove the causes: Another instance of her majesty's royal favour, we esteem, is the fending your excellency to govern us, and we persuade ourselves your conduct will evince it so to be.

We hope great things from you, and none but what are just; let not ill men be put or continued in power to oppress; let her majesty's subjects enjoy their liberties and properties, according to the laws, and let not those laws be warpt to gratify the avarice or

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referement of any, and then we may fafely leave disputes of property to them; this we are humbly of opinion, is the greatest honesty, and we make no

question you esteem it to be the best policy.

We always thought it equally reasonable to support a government, and to deny that support to tyranny and oppression; we should be glad our abilities would come up to what we esteem your merits; what we are able to do, shall be sincerely done, and in as agreeable a manner as we are capable; all your desires, which we doubt not will be reasonable, shall be commands to us, who will be always ready to join in any thing that may conduce to the publick benefit, and your own; and hope you may never want will and power to punish wickedness and vice, and encourage true religion and virtue; which if you do, we shall esteem you our deliverer, and posterity shall mention your name with honour.

Divers members of this affembly, being of the people called quakers, concur to the substance of this address, with their und exception to the stile.

This fession continued better than two months; the governor and assembly agreed cordially, but a majority of the council differed from both, notwithstanding a accession of divers new members.

Confusion in exacting the oath.

Ever fince the furrender, the province had been involved in great confusion, on account of the people called quakers being denied to serve on juries, under pretence that an oath was absolutely necessary; the inhabitants in many parts, were chiefly such, and jurie could not be got without them; the assembly seeing the confusion that had and would unavoidably following the refusal, passed a bill for ascertaining the qualification of jurors, and enabling the people called quaker to serve on them, &c. and another respecting the affirmation: The reports of the committee, will, among other things, shew the conduct of the count on this occasion.

Commit-

The house, according to order, resolved itself into a committee of the whole house, to consider farther of the papers laid before this house by his excellency; and after some time spent therein, mr. speaker re- tees report fumed the chair, and doctor Johnston reported from the faid committee, that the 43d article of her majefty's instructions being read, requiring an act to be passed, for settling the properties and possessions of all persons concerned in this province; they do think it to be a matter of the greatest concern, for the quieting the minds of the people and making the province happy, and do think it will be to no purpose at prefent to spend time about such a bill, seeing the council has put them out of all hopes of having any fuch act to pais.

Doctor Johnson also reported from the said committee, that the 60th article of her majesty's instructions being read, requiring an act to be passed, for those people that make a religious scruple of swearing, to the like effect of that passed in the 7th and 8th of king William the third in England, so far as may be 'consistent with good order and government; that the house have already fent up such an act to the council for their concurrence, as near to the like effect as the circumstance of this colony will admit; which the council rejected without committing the fame.

'And further, that the 94th article of her majefty's instructions being read, requiring an act to be passed ascertaining qualifications of jurors; that the same was included in the bill, entitled, " An act for afcertaining the qualifications of jurors, and enabling the people called quakers to serve on them, &c. which the council rejected without committing the fame, as is reported before to the 60th article.

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'And that he was defired to move, that they might have leave to fit again.

By this report, it feems the affembly had no expecation of obtaining these matters this session; they ook into confideration the militia act, passed in Cornbury's

A. D. 1710. Cornbury's time, by which the quakers in many parts of the province had been greatly oppressed; they appointed doctor Johnston, Isaac Sharp, Jacob Spicer, William Sandford, John Reid, and Robert Wheeler, a committee, 'to prepare and bring in a bill, for explaining an act of this province, past in the third year of her majesty queen Anne, entitled, "an act for settling the militia of this province, and for relieving persons aggrieved thereby."

A Bill was brought in, and divers officers who had been more rigorous in distressing, than the law warrant, ed, were sent for, to answer for their conduct at the bar of the house, and ordered to render account of the goods distrained; this gone through, the bill passed, in which provision was made for the relief of the sufferers; but the council rejected it, as they had done the other bills.

Next came on the confideration of the charges made against a former assembly, to the queen, whose vindication they undertook.

Vindicacion of a former affembly.

A copy of a paper entitled, The humble address of the lieutenant governor and council of Nova-Casara or New-Jersey, in America, to the Queen's most excellent majesty; be signed by Richard Ingoldsby, William Pinborne, Roger Mompesson, Thomas Revell, Daniel Leds, Daniel Coxe, Richard Townley, William Sandford, and Robert Quarry, in the year 1707; was read in the house; and being taken into consideration, the question was put, whether the said humble address (as it is called) of the lieutenant governor and council to the queen's most excellent majesty, be a sale and second for this province, or not? it was carried in the affire mative. A motion being made, and the question

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g. The two last had lest the quakers, with G. Keith, and Sud ford had distinguished himself against them.

b. See p. 345, &c.

being put, whether this house do address her majesty for the justification of the proceedings of the representative body of this province, in the present and former assemblies, or not? it was carried in the affirmative.

A motion being made, and the question being put, whether any person that has signed the above mentioned salle and scandalous representation of the representative body of this province, be a fit member to sit in this house, unless he acknowledge his fault to this house, or not? it was carried in the negative.

'Major Sandford, one of the members of this house, having acknowledged that he signed the above mentioned address to her majesty, was asked if he would acknowledge his fault to this house for the same? his answer was, he signed it as he was one of her majesty's council, and was only accountable to her majesty for the same; wherefore the question was put, whether major Sandford be expelled this house for the same, or not? it was carried in the affirmative.

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'Ordered, that major Sandford be expelled this house, for figning a false and scandalous paper, called the humble address of the lieutenant governor and council, to her majesty, in the year 1707; and he is expelled this house accordingly.

## CHAP XX

Representation of the Assembly to governor Hunter; and bis answer.

PURSUANT to the resolutions of the house, an address was prepared, and sent to the queen, and a representation to governor Hunter: This last is a particular answer to the charges, and was as followeth:

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A.D. 1710. The humble representation of the general assembly of her majesty's province of New-Jersey.

To his excellency Robert Hunter, Elq; captain general and governor in chief of the provinces of New-Jersey and New-York in America, and vice admiral of the fame, &c.

'May it please your excellency;

Representation to overnor Hunter.

When the lord Lovelace was pleased to let the representave body of this province know, that her majesty defired to be informed of the causes of the differences between the gentlemen of the council and them; nothing could be more fatisfactory; because they entirely depended, that a person of so much justice and veracity, would put things in their true light; and had he lived long enough to have complied with her majesty's commands, we had not now been s under the necessity of laying the following representa-

tion before your excellency. We are very forry we have fo much reason to far, it was lately our misfortune to be governed by the · lord Cornbury, who treated her majefty's subjects here not as freemen who were to be governed by laws, but as flaves, of whose persons and estates he had the fole power of disposing. Oppression and injustice reigned every where in this poor, and then milerable colony; and it was criminal to complain or feem any way fensible of these hardships we then suffered; and whatever attempts were made for our relief, not only proved ineffectual, but was termed infolence, and flying in the face of authority: The most violent and imprudent stretches of arbitrary power, were flamped with the great name of the queen's prerogative royal; and the instruments and strenous affertors of that tyranny, were the only perfons, who in his esteem and their own, were for supporting her maje fty's government: Bribery, extortion and a contempt of laws, both human and divine, were the fashionable vices of that time; encouraged by his counter nance, but more by his example; and those who could most daringly and with most dexterity trample

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upon our liberties, had the greatest share both in the government of this province and his favour: This ulage we bore with patience a great while, believing, that the measures he took proceeded rather from want of information or an erroneous judgment, than the depravity of his nature; but repeated inflances foon convinced us of our miltaken notions; and that he was capable of the meanest things, and had facrificed his own reputation, the laws, and our hiberties, to his avarice: No means were left uneffayed, that gave hopes of gratifying that fordid paffion: The country was filled with profecutions by informations of the attorney general, contrary to law: Those of her majesty's subjects who are called Quakers, were severely harraffed, under pretence of refuling obedience to an act of affembly for fettling the militia of this province, when neither the letter nor meaning of that act justified the severities used on that account; the measures that were then taken, bring chiefly fuch as the implacable malice of their 'adversaries suggested: The rights of the general proprietors, which upon the furrender of the government, were promised to be preserved inviolable to them, and which her majesty, by her instructions, had taken all possible care to do, were by him invaded in a very high degree; their papers and registers, being the evidences they had to prove their titles to their lands and rents, violently and arbitrarily forced from them, and they inhibited from felling or difpoling of those lands; by which means their titles were made precarious, the value of lands through the whole province fell very much, and a great stop was put to the fettlement and improvement of it: To be fhort, all ranks and conditions of men grossly abused, and no corner of the country without complaints of the hardships they suffered from the exercise of a despotick and mistaken power: An administration fo corrupt, fo full of tyranny and oppression in all its parts, induced the affembly to have a regard to the cries of that unhappy country they represented, and

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and to endeavour (if possible) some redress, and accordingly, in a most humble manner, remonstrated to his lordship their grievances; who was of opinion. their remonstrance lay open to a very ready answer; but that he might give them no occasion to fay he had done it with heat and passion, he took some few days to do it; but with what coolness and temper it was done, those who have seen it can judge; they both lie before your excellency (No. 1 and 2.) Sometime · after the affembly were adjourned; and when we met again, made a reply to that answer; which reply (No. 3.) lies before your excellency; but neither the one nor the other procured the defired effects; on the contrary, the number of our grievances were increased, some of the most considerable of our inhabitants deferted the province, and many of those that remained thought themselves unsafe in it; the only hopes they had, was the arrival of the lord Lovelace, which supported their finking spirits, and gave them

an expectation of better days. "Upon the first sitting of the assembly, after his arrival, he communicated to them a paper, called, The address of the lieutenant governor and council of New. Jersey. It was no surprize to us, to find any thing indecent or virulent proceeding from such men; but it was with some concern, we beheld what endeavours they had used, to render her most gracious majesty

disaffected with her honest and loyal subjects here, by accusations which were not only falle, but what they knew to be fo, at the time of their writing of

them, and which we had made appear to be fo, had they not used evalions and shifts to avoid coming to the test, in the time of lord Lovelace, and while the

affembly was fitting; then they feemed to be for reconciling matters, and burying every thing in

oblivion, in hopes their own deeds of darkness might partake of the same covering; and hoped the sweet-

ness of that noble lord's temper, and inclinations to peace, might secure them from that examine which was necessary to expose them in their true colours; and

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how much on that occasion they fawned and flattered," appears by an address of theirs to him, which for the peculiarity of the language (and we might fay the unintelligibleness of the terms) ought never to be forgotten : It begins thus, Your lordfoir bas not one virtue or more, but a complete accomplishment of all perfections, &c. and at the fame time they were deifying him (if fuch an address could do it) they were caballing and articling against him, triumph'd in his death, and have barbarously treated his memory; and Inotwithstanding the laws of beaven and nature, (as they are pleased to express themselves) and all the time things they fay of you, added to the justness of Your administration, they'll give you the same treatment when they can; the knowledge we have of their practices, has made us trespass a little longer on 'your excellency's patience than we at first designed: But to return to the address; we believe the gentlemen of the council have transmitted something to one of ther majesty's secretaries of state, which they called proofs, and with all the fecrecy they could, hoping it may obtain at that diffance, especially when backed by some whose interest it is, that all they have said be credited: To prevent the ill confequences that may tattend the belief of what they have faid, or indeed can fay, we shall endeavour to prove every article of the faid address falle; and that the subscribers knew feveral of them to be fo at the time of their figning; what we fay is publick, not carried on in darkness, to prevent that reply, which the gentlemen concerned to justify themselves, and upon the spot, may make if they can.

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We begin with the title of the address; which is, The bumble address of the lieutenant governor and council

of Nova-Cafaria or New-Jersey in America.

This carries a falshood in the very front of it; for it was no act of council; but figned by some in the western, and by others in the eastern division of New-Jersey, by one or two in New-York, at different times, being privately carried about by a messenger of my lord

'lord Cornbury's; and some were raised out of their beds to fign it; it never pass'd the council; was never minuted in the council books, and the lieutenant governor has feveral times protested he figned it without ever reading it: The gentlemen of the council cannot deny the truth of this; if they do, we can prove it; but to justify themselves they say, it was figned by the lieutenant governor and the gentlemen of the council, though not in council: So that it's plain, they designed to abuse the queen, by giving it the file of an act of council, which her majefty and every body that reads it would take to be fo, when they knew in their consciences it was not so; but that their malice or fervile fears induced them to fign it, and may not improperly be called, forging an act of council; it's apparent that Roger Mompesson, esq; figned it by himself; that it was brought to him as an act of council, and that as such he thought himfelf obliged to fign it, as by his reasons for figning it appears; which reasons could have had no weight, had he not understood it to be so; for he owns he

never examined into the particulars of it. . The first article is, We the lieutenant governor and council of ber majesty's province of Nova-Casaria or · New-Jersey, baving seriously and deliberately taken into consideration the proceedings of the prefent assembly or representative body of this province, thought our selves bound, both in duty and conscience, to testify to your " majesty our dislike and abborrence of the same. This is true, if figning any thing without reading or examining into the particulars of it, and by some between fleeping and waking, be arguments of feriousness and deliberation, otherwife not; except by the words feriously and deliberately, be meant, their resolutions on all occasions to do what the lord Cornbury commanded them; as indeed their figning this address, and their conduct in every other thing, did but too s plainly evince, to be the only feriousness and delibe ration they were capable of : When col. Quarry fign'd that address, we believe he was missed, and depended

too much on the credit of others; we must do him the justice to own, that he has of late declined joining with them in many of their hot and rash methods, and behaves himself at present like a man of temper, who intends the fervice of the queen and good of the country. These addressors tell her majesty, that they were in duty and conscience bound to testify their dislike and abborrence of the same to her: Had they 'abhorred falsehood, and discharged their duty as in conscience they were bound to do, in refusing to join with the lord Cornbury, in all his arbitrary and unjust 'measures, and particularly in that scandalous address, (pardon the expressions) the country would not have 'had that just cause to complain, as now they have, 'and in probability always will, while they continue in their present stations: There were no proceedings 'in that affembly that any honest man- had reason to 'diflike; and their endeavours for the good of the country, deferve the highest praise, and ought never to be forgotten by New-Jersey.

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The second article is, That the unaccountable bumours and pernicious designs of some particular men, bave put them upon so many irregularities, with intention only to occasion divisions and distractions, to the disturbance of the great and weighty offairs which ber 'majesty's bonour and dignity, and the peace and welfare of the country required: The fo many irregularities are, we suppose, what the lord Cornbury mentioned in his answer to their remonstrance; which that house replied to; as may be seen in their reply (No. 3.) and whether they were irregularities or no, the world can judge; but be they what they will, the addressors are never able to prove, that the unaccountable humours of some particular men put them upon them; they may indeed boldly fay they did, and if that will do, they may fay again, that it was with intention to occasion divisions, &c. but that neither proves, thatany particular men influenced that affembly, nor that the intentions of doing fo, were as they fay; that being impossible for them to know; and if we may be 'allowed

A.D. 'allowed to know the intentions of that affembly, they

them to have been.

'The 3d article was, That we had highly increached

upon ber majesty's prerogative royal,

The 4th, That we had notoriously violated the rights and liberties of the subject.

The 5th, That we had manifeftly interrupted justice. These three articles are what the lord Cornbury,

in his answer to the remonstrance, charges that affembly with, which are fully answered in the aforesaid

reply, and proved to be false charges; and this the addressors knew when they signed the address, if ever

they read the reply or address (which is very much to be questioned) and we believe, if the truth were

\* known, notwithstanding their pretentions to serious resistand deliberation, they had little more hand in

than fetting their hands to it, as we shall endeavour

to evince: It is undeniably true, that it was figner

at different times, and in different places; it then must be true, that it was brought ready drawn to the

figners, and its very probable that they did not real

tenant governor, as we observed before, has owned

he did not, and the late chief justice, Roger Mom

peffon, Esq. a man as likely to read and consider a

any of them, owns under his hand, he never did as

amine the particulars of it; which is, in other words

owning he did not read it; and its not very likely the rest should: These three articles are the very work

" used by the lord Cornbury in his answer; the who

address feems to be an abridgment of that animo

feveral fentences the fame, the ftile the fame, an

\* the fame vein of intemperance and ill nature through

them both; and in all likelihood done by his lord fhip, who made the addressors father whatever his

· lordship was ashamed to own.

The 6th article is, That the remonstrance was a my

The 7th, That the lord Cornbury made a full as ample answer to it.

The 8th, That the reply of the bouse of representatives of the province of New-Jersey, was a scandalous and infamous libel; and they add on that head, this last libel came out so suddenly, that they had not time, as yet,

to answer it in all its particulars.

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Certainly it is impossible, that ever men in their right wits, after reading fuch an address, should fign it! Was it ever known, that any book or paper wrote by a house of commons, was called a libel, and a most scandatous and infamous libel? If the gentlemen had intended to shew their talents of railing and abufive language; they could hardly have taken a more effectual way, than by that address, which if it prove 'nothing elfe, proves them to be very much mafters of those qualifications; but we cannot be of opinion, 'that their calling the remonstrance or reply a libel, proves them to be fo; nor had they any reason to 'expect it would be taken by her majesty, for any thing 'more than a demonstration of their want of temper; for if those two papers were libels, then the house of representatives might have been punished for them, 'or at least prosecuted; and if so, any vote, resolve, 'address or remonstrance that they made, or any other house of representatives could make, would subject 'the faid house of representatives (the authors of them) to the fame inconveniency, whenever the gentlemen of the council were pleased to call them so: This is ' fo contrary to the known practice of England, to the laws, to the rights and privileges of the house, thatitis 'a needless labour to prove, either that the gentlemen 'never read what they figned, or knew what they figned to be false at the time of their figning of it: But to say 'alittle more, the remonstrance and reply are so far from being false, that they are most true: Several of the facts are owned by the lord Cornbury, and where he either evades or denies them, they are made out in the reply: His bribery was proved by a cloud of evidences in the house; and whatever else is charged upon him, he knew to be true; and it is neither in the power of his full and ample answer, nor even of the address

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itself, to persuade the contrary: The assembly far ' indeed in their remonstance, Had the affairs of New. · York admisted bis lordship oftener to attend those of · New-ferfey, be had not then been unacquainted with their grievances; and that they were inclined to believe they would not have grown to fo great a number. This, perhaps, may be one of the ralfehoods the addressors " mean; and truly it ought to be acknowledged, that the then affembly had no reason to believe his lord-' ship's presence in this province would have any other effect, than the increasing, instead of diminishing their grievances; but when the addressors say, that the reply came fo fuddenly out, that as yet, they bad onot time to answer it in all its particulars: They feem to imply, that they had answered it in some of them; which has not been done, no, not as yet, though it has been out above three years: And, its coming out fo suddenly, &c. is a great mistake, to say no work of it; for it had been out above fix months before their address was figned: This is another proof that they never read the address before they figned it; or

if they did, that they knew what they figned to

falle, at the time of their figning.

The 9th article is, That these disturbances are own wholly to mr. Lewis Morris and Samuel Jenings, me of turbulent, factious, uneasy and disloyal principles men notoriously known to be uneasy under all government and men never known to be consistent with themselves. The 10th article is, That to these men are own

all the factions and confusions in the governments.
New-Jersey and Pennsylvania.

'These articles are not only the stile of the low 'Cornbury's answer to the remonstrance; but for the

most part the very words. If mr. Morris, and mr. Jenings, were such men as the addressors say the are, viz. turbulent and factious, uneasy under a

governments, and the causers of the factions as confusions of New-Jersey and Pennsylvania; the certainly to continue thus turbulent, &c. evinced the

were not inconfiftent with themselves, but constant

purfued the fame meafures: This was an expression the lord Cornbury was very fond of, and very much uled, and the addressors here have been but the parrots of his thoughts; and all they have faid of these gentlemen (one of whom is in his grave, viz. Mr. lenings) is a notorious abuse; for whatever was done by the affembly (if it's their proceedures they call diffurbances) was not done either by the influence of Mr. Marris or Mr. Jenings, but from a just fense of their duty, in discharge of the trust reposed in them by the country, and to prevent the ill effects of an arbitary and unjust use of power, by the lord Combury, fo much encouraged by the flavish compliances of the addressors, men never known to be inconfistent with themselves, nor we fear never will. We should not trouble your excellency longer on this head, did we not know this is an article which tho addressors think they can justify, and which they suppose will prove a sufficient defence for all they have faid; therefore, to put this matter in some measure out of dispute, we say, in the first place, that should they be able to prove what they fay in that article, yet it would not justify their other acculations, nor the fevere reflections they have unjustly made on the representative body of this province: adly, It plainly appears by the journals of the house, that the affembly infifted on the fame things, when neither Mr. Morris nor Mr. Jenings were, among them; and now endeavours to evince to your excellency, that their proceedings were reasonable. 3dly, The disturbances in Jersey or Pennsylvania, ascribed to Mr. Morris or Mr. Jennings, were no other than the opposition of an unlawful and unjust authority, and that during the proprietors government, before it was furrendered to the queen; so not a fit matter to have been at that time feriously and deliberately meddled with by the addressors, and could be done with no other intent but to millead the queen, into a belief that Pennsylvania and Neweffey, were then diffurbed by these gentlemen; 4thly,

A.D. 1710. 4thly, We do not find, that ever Mr. Morris w concerned at all, even during that time, in the western

division of New-Jersey or Pennsylvania.

The 11th article is, That this is done with defin to throw off the queen's prerogative royal, and confi quently to involve all ber majesty's dominions, in the part of the world, and the bonest and good well meaning men in them, in confusion, boping thereby to obtain the

wicked purposes. It is evident from this article, that the accusation of Mr. Morris and Mr. Jenings, were to millead the queen into fuch a belief as we have infranced; if from their using the terms (is done) being in the present tense: adly, they assign the reason why 't done, viz. not only to encourage this government but all the governments in America, to throw of her majesty's prerogative royal, and as a consequen of that, to involve all her dominions in this part the world, &c. in confusion; which is in pla English, throwing off our allegiance, and retolin from the crown of England; the addressors in the fi place, suppose all the plantations on the continent America inclinable to a revolt, whenever they ha an opportunity; or at least if they don't believe themselves, would have the queen believe so, and sapprehensive of some danger from it; which if s had, it's natural enough to suppose such severe m thods would have been taken, as would prere any fuch thing; so that what the addressors he faid, is not only an accusation of all the plantage in America, of want of loyalty and affection tol majesty; but an endeavour to alienate her affection from them: We thank God it has not had the illet they intended, and hope no representation founded the malice of any ment, ever will; but that the thors of them may always meet with as little of as they deserve: Can it be thought, or could

addressors themselves ever seriously and delibera think, that the province of New-Jersey, (one of

most inconsiderable of all her majesty's colonies

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the most incapable of making any defence, having no fortification that exceeds a flone house, and of them but very few; a great part of whose people are quakers, who by their principles are against fighting) would be fo unaccountably mad, as to throw off their allegiance (especially to be the first in doing it) and expose themselves to unavoidable ruin and destruction? Whoever can seriously think this, and with deliberation affert it, ought very ferioully, and without much deliberation, be confined to the fociety of mad-men, as persons that can seriously and deliberately believe and fay any thing; which is all we shall say to this ridiculous, as well as malicious charge, and pass to the 12th article; than which nothing more untrue, and knowingly fo, could be afferted, as we shall by what follows, make out; the article runs thus: That the affembly are refolved neither to support thequeen's government with a revenue, nor defend it by fettling a militia.

'Now it is plain, that this house never did deny to mile a fufficient support for the government, and took proper care concerning the militia, as by the Everal acts for those ends does more largely appear; may, when the expedition against Canada, was on foot, we gave three thousand pounds for that end, over and above the support of government; and the calling vote for the raising that money, and the fettling the militia now, was given by Mr. Hugh Middleton, one reputed a quaker; so that it will very eafily appear, that acculation of the addressors, was not only very untrue, but that they knew it to be fo at the time of their figning of it; nay more, we shall make it appear, that the gentlemen of the council have used their utmost endeavours to defeat the government of a necessary support, and to frustrate, as much as in them lay, the expedition against Canada; so that the accusation lies most Justly against them, and not against us; for the acts for the support of the government, and settling the militia, made in the time of the good lord Lovelace, Cc2

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was pass'd by them with the greatest difficulty; and the act for raising three thousand pounds, towards carrying on the expedition against Canada, was a their direction, by Elisha Lawrence and Gershon Mott, two of their tools, who were members of this house, (and were not quakers) voted out, and who or the first and second reading, voted for it, concealing their design of voting against it, till the time of their voting; and not being quakers, were not suspected of voting against it, otherways care had been taken to put it out of their power; and to make it appear "that it was done with delign, by direction of the lieutenant governor and council, to call a reflection on the house, and to justify their allegations in the address, even at the expence of defeating the expedition; the lieutenant governor colonel Ingoldby tho' affured by the speaker, and other members of the house, that if the house was prorogued but for twent four hours, care should be taken the bill should pass who presently after did, notwithstanding, adjour the house, from the thirteenth of June to the twent eighth of July following; a time to long, that if the s house and council had been never so willing, the feafon would by that time have been fo far advanced that it had been of no use then to have raised either men or money towards that expedition; as the lieu tenant governor and council very well knew; " had not the honourable colonel Nicholfon, and co Vetch, in an extraordinary manner, prest the calling the house sooner than the time appointed, viz. the twenty third day of June, neither money to men had been raised on that account: This we thin comes up to a demonstration, that these gentleme rather than not gratify their refentments, and go fome colour of justifying what they had faid, cho to facrifice the fervice of the queen, and the commo a good, on fo extraordinary an occasion, to their priva piques; and indeed their proceedures ever fince, he confirmed the country in that opinion, and export their conduct to a just censure, and shewed that the

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have been to far from endeavouring (as they fay, A.D. in the last article) by application to the governor, to

remove the grievances, if any were; that if their best advice was at any time offered, it was rather how to continue and render them more intollerable: We sare forry we have so much reason to say this as we have; but a long and uninterrupted series of despo-

thave; but a long and uninterrupted ferres of despotick and arbitrary government exacts it from us; and which we are fure they will, to their power, continue

they remain in any places of publick trust,

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'To enter into a detail of their feveral male-admirfrations, 'twould take up more time than we can at present spare, and stretch the bounds of this repre-Entation to too great a length : We have already laid before your excellency fome proofs against mr. Hall, one of the council, of his extertion, and imprisoning and felling the queen's subjects; who, if they had been guilty of the crimes alledged against them, ought to have been profecuted accordingly, and not difcharged on any hopes of private gain; and if not guilty, ought not to have been laid in prison and in irons, and by those hardships forced to become his ervants, rather than endure them; But a man that could, after taking up adrift several cask of flour, deny them to the owner, and fell em, is capable, of my thing that is ill; and how fit for so honourable apost as one of her majesty's council, or indeed any other place of trust in this government, is most humbly Submitted to your excellency's consideration.

Were there nothing against Mr. Peter Sonmans, but his being indicted for perjury; from which by a pack'd jury he was cleared, as appears by the memotal (No. 4.) there being but too much reason to elieve he was justly accused; it would be no mean reason to lay him asside from her majesty's council; theing some sort of restection to continue a person wen supposed guilty of so heinous a crime, in so high post, which her majesty in a particular manner has indeavoured to secure the honour of, by directing in

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her inftructions, that no perfon necessions or much in debt shall be of it; much lefs a person known to be bankrupt, as Sonmans is, and who at this time, and for some years past, has lived in open and avove aduldery, in contempt of the laws, which his being power not only protects him from being punished but enables him to carry on his wicked defigns, b impoling on the honest and simple people, who suspen no trick from a person of his rank; as appears the depositions (No. 5.) relating to the Amboy per tion against dr. Johnston and mr. Reid; and to fired and warp the laws, to the manifest prejudice, ruin an undoing of many of her majesty's subjects, who complaints from the feveral parts of the province, [ unfortunate as to be under his direction;) we mal ono doubt has long e'er this reach'd your excellency ears; and which, we perfuade ourfelves, will, who your excellency is fatisfied with the truth of then have their proper effects.

The courts of law in which the gentlemen of council were judges, instead of being a protection and fecurity to her majesty's subjects, of their libert and properties, in disputes that came before the became the chief invaders and destroyers of the both; and what should have been the greatest bend proved the greatest grievance; as we we shall influ in a few of the many things we could: And in notwithstanding her majesty, for the ease of her for jects here, has been pleafed to appoint the supre court of this province to be held alternatively Amboy in the eaftern, and Burlington in the well division of this province; yet the causes of one di fion are tried in the other, and juries and eviden carried for that end, at the great and needless di of those concerned, as well as great expence and of time to the people in general; who can receive

benefit by the courts being held alternatively, if

ends for which they are fo held, be not answered, causes tried in the same division to which the belong; belides it is a practice of very misches 6

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transequence, making the people entirely depend on and be subject to the judges of the said court, who can by that method, lay any persons they do not like, under the necessity of being at the beforementioned charge, and make them that way fenfible of their refentments; which, as we have instanced, they have been too ready and willing on all occasions to do: Secondly, the writ of habeas corpus, the undoubted right, as well as great privilege of the fubect, was by William Pinhorne, Efq. fecond judge of the supreme court, denied to Thomas Gordon, Elq; then speaker of the assembly; and, notwithfanding the station he was in, was kept fifteen hours aprisoner, until he applied by the faid Pinhorne's fon, an attorney at law, and then, and not before; he was admitted to bail; which fact, as well as other things, may appear by the faid Gordon's case (No. 6) now laid before your excellency. The proceedings against a person in that station, and at that time, made it but too evidently appear, that the faid Pinhome would not flick to join with the lord Cornbury in the most daring and violent measures, to subvere the liberties of this country; and cannot be look'd on by this house, or any succeeding affembly, duly confidering the procedure and the address abovementioned, afterwards figured by him, but as a person ready and willing on any occasion, to attempt upon their liberties, and overthrow them if he can; and how fafe we can think outfelves while he consinues in power to hurt, is most humbly submitted.

Many persons prosecuted upon informations, have been, at their excessive charge, forced to attend court after court, and not brought to tryal, when there was no evidence to ground such informations on; but they kept prisoners in hopes that some might be in sime procured; and two of them, to wit, David Johnston and his wife, after some weeks imprisonment, not admitted to bail till they entered into a recognizance, the condition of which was, That if the lord Carnbury was diffatisfied with admitting them to bail,

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upon notice thereof fignified to them, they fould reluto their imprisonment: His Jordship was diffatisfied. and Leeds and Revell, who took the recognizance, fent their orders to them to return according to the condition of it.

Actions have been suffered to continue, after the persons in whose names they were brought, have in open court disavowed them, declaring they had never egiven orders for any fuch actions to be brought.

Actions upon frivolous pretences have been postpon'd, and the tryals delayed to ferve particular perfons, when the juries and evidences were all ready,

and attending on the tryals, a said and flamenton . Though it be the right of the subject, by proper writs, to remove actions from any inferior to a superior court; yet at the court of fessions held at Burlington, in December 1709, colonel Daniel Coxe colonel Hugh Huddy, colonel Thomas Revell and Daniel Leeds, esquires, justices of the said county, did reject a writ of certiorari, obtained by mr George Willocks, and allowed by Roger Mompel fon, chief justice, and committed faid Willocks til he entered into recognizance, to appear at the nex

court of over and terminer.

and with re in The cafe of Peter Blacksfield, who by a miliak f or defign, was divested of his estate, and ruined; fo well known to your excellency, that we need is

finothing more about it. of the first of the grant The people called quakers, who are by her majely admitted to places of the most considerable trust with in this province, are fometimes admitted to been dences ; as one Mr. Beaks, a quaker, was in capital cafe against one Thomas Bates, at a courte oyer and terminer, held by justice Mompesson, of Coxe, col. Huddy, and others; on which evidence he was condemned to be executed and fometime

they have been refused to be jurors or evidences, either in civil or criminal cases of fo that their fafety, or me ceiving the benefit of her majesty's favour, feem not to depend on the laws, or her directions, but the

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humours and capricios of the gentlemen who were A.D. judges of the courts: We, with all humanity, take leave to inform your excellency, that the western division was settled by those people, who combated with all the inconveniencies attending a new fettlement; and with great difficulty and charge, have from a wilderness improved it to be what you now fee it is , there are great numbers of them in it, and fhould they not be admitted as evidences or jurors, they would be very unfafe; for it is in the power of till men, to come into their religious affemblies, and murder as many as they please, and with impunity, the look'd on by hundreds of quakers; or break topen their houses and rob with safety; and the encouragement the gentlemen of the council have given to the meanest of the people, to abuse them, confirms us in the opinion, that there wants not those who have will enough to perpetrate the greatest mischiefs on that people, when they can escape the punishment due to their crimes,

'The procedure of the whole bady of the council, in relation to Mr. Barclay, is a demonstration of their arbitrariness and partiality, as by his case, (No. 7.) now laid before your excellency, will more fully appear: When he produced a commission before them, from the proprietors in England, which faperceded that lame one given to Mr. Sonmans; they '(as appears by an order of council) took the faid commission from him; than which nothing could be more arbitrary and unjust; for that commission was the property of Mr. Barclay, and he had the right of executing the powers of its and if any persons was aggrieved, lor the commission not good, the law was open to dispute it; and a copy of it fent to the queen would have answered all the just ends that fending the original could doe It was indeed a fhort way of determining in favour of Peter Sonmans, and putting it out of the power of Mr. Barclay, to right himself, during that administration : The gentlemen may call this a strenuous afferting of the '

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the queen's prerogative royal; but we can call it by no other name than an open robbery, committed in their judicial espacity, under a pretence of authority; than

which nothing could be worfe, or of more pernicious

confequence.

To conclude, all persons not friends to the gentlemen of the council, or forme of them, were fure in any tryal at law to foffer; every thing was done in favour of these that were: Justice was banish'd, and trick and partiality substituted in its place: No man was fecure in his liberty or effare; but both subjected to the caprices of an inconfiderate party of men in power, who feemed to fludy nothing more than to make them as precarious as possible. Your excellency's coming, has put a check to that violent torrent of injuffice and oppression, that bore down every thing before it; and we hope, that during your adminiftration, ill men will not have authority to hurt, onor their reprefentations gain any credit with a person fo able to difcern the motives of them; which are on other, than the gratification of their own refentments, even at the price of the publick fafety, as we have in great measure already proved; and their proceedings now does plainly confirm what we have offered; for what can be the intent of rejecting our bills without committing of them, but to irritate us to that degree, that nothing might be done, either towards the support of the government, or the fetting of a militia, that they might have wherewithal to justify themselves in what they have faid of us? What was the cause of their rejecting the bill for preventing of correption in courts of justice, but the confeoutness of their own crimes, and the fears they had of that examine, which must necessarily have exposed their conducte a due centure? What was it that made them throw out the bill against bankrupts (though made by her majefty's express direction) and profes themselves against any bill whatsoever on that head, but the dread they had of feeling the just consequences of it themselves? Nay, one of them, William · Pinhorne,

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Pinhorne, efq; by name, was pleased to fay, it was with horror and amazement he beheld a ball with that title; we are not fo fond of the bill as it was diawn. but that we would have readily joined with the council in any reasonable amendments, had they offered them; but we think no honest man could be against a bill that makes the effaces of perions becoming bankrupts, liable to pay their just debts; and we hope New-Jersey won't long be a fanctuary for such. The bill, entitled, An att for enabling perfous aggrieved by an att for fettling the militia of this province, was, to make the diffreffes unreasonably and 'illegally made on pretence of the militia act, returntable to the owners, and to punish the persons that did it; but this they will not pass, knowing that so just an 'act would be attended with confequences they can by no means bear; the inftruments of that oppression being to be protected by them at any rate, and nothing to be heard against them, because they were officers of the government, tho' their practices were never fo unreasonable or unjust, and her majesty's subjects left remediless, and must patiently fit down, after having their houses and plantations plundered, and their persons abused by a crew of needy and mercenary men, under pretence of law; but it was such persons that were useful to them, and such they must, for their own safety, protect: Tis for this reason they combine together, to fecure, as far as they are able, Jeremiah Bafs, their clerk, the fecretary of this province, and prothonotary of the supreme 'court; in all these offices his pen is to be directed by them; they dread an honest man in these offices: How he has behaved himself, is in some measure known to your excellency, especially in the case of Dennis Linch, the Maidenhead people, and Peter Blacksfield; the two last are notorious malvertations in his office, and appear under his hand, and by the minute books of the fupreme court; and it is no excuse in him, when men are turned out of their chates and ruind, to lay, it was a militake, if fuch

an excuse would do, it is very easily made on any occasion; and in this province, can be fafe, when fuch a person continues in offices of so great trust, All the original copies of the laws passed in the time of the just lord Lovelace, are formehow or other made away with; Bass offers to purge himself by his oath, that he has them not, nor knows any thing of them; and it may be so for aught we know; but in this province where he is known, it is also known, that few men ever believed his common conversation, and feveral juries have refused to credit his daths; he corroborates what he fays with the evidence of Peter Sonmans, one of the council, a person once indicted for perjury; and how he was cleared, the aforesaid memorial makes out; fo that we do not think him a person of sufficient credit to determine that point. It is certain, that the fecretary's office is the place those laws ought to be in, and he ought not on any pretence to have parted with them out of the province: It is certain, the lieutenant governor ought, within three months after the paffing of them, to have fent copies of them to the lords commissiones for trade and plantations, and duplicates of them by the next conveyance after; and this under pain of her majesty's highest displeasure, and the forfeiture of that year's falary, on which he should on any presence what seever omit the doing of it; how comes it then about, that neither the fecretary Bals, nor mr. Cockrill, private secretary to the lord Lovelace, and who lived fix months after his mafter's death, was never examined about them? Mr. Cockrill could have cleared up that matter while alive, if the lieutenant governor could be thought fo grofly to neglect what he knew to be his duty; why did not mr. Bass apply to him in all that time for those laws? If he had parted with them, as he pretends, fo much against his will, it was very natural to suppose he would have used the utmost application to get them again; yet no one enquiry is faid to be made after them, either by Bass or the lieutenant governor, of the lady Love-· lace,

lace, who ftaid in New-York long after the death of her lord, or of his fecretary; nor no noise at all made about them till this time, fo long after the arrival of your excellency; can any body think it was the interest of either the lord or lady Lovelace, of his fecretary, or any of his lordship's friends, to deltroy a law which gave the lord Lovelace eight hundred pounds, and without which he could not have it? but it does appear to be the interest of the lieutenant povernor and his friends to deftroy it; for they had got an act passed, which took from the lord Lovelace three hundred and thirty pounds of that money, and gave it to the lieutenant governor; and two hundred and seventy pounds more of it was given to him for the support of the government. Had he sent the 'act made in favour of the lord Lovelace, to the queen, for her approbation or difallowance, and her majesty had approved of it, as in all probability she would have done, then the act made in colonel In-'goldfby's favour had been void; but had the other gone home first, there was an expectation it might pass, the queen knowing no more about the first act, than that a vote had paffed in favour of the lord Lovelace.

'And to make it plainly appear, that colonel ingoldsby, and the gentlemen of the council, were apprehensive of the danger of sending those acts to Eng-'land; to the act we have now past, for making the printed copies as effectual as if the originals were in the fecretary office, that your excellency may be enabled to transmit them to her majesty; they have added a providing clause, that the act made in col. 'Ingoldsby's time, (which takes that money from the 'lord Lovelace) shall not by this act we have past, be made void in the whole or any part thereof; but continue in full force and virtue, as if this act had never been made : This amendment they infift on, tho' they knew, and do know, we will never agree to a clause fo foreign to the title and intent of the bill; but this is done by them, with defign that the bill shall not pass; by which means her majesty will be without authentic

A. D. 1710. authentick copies of the acts, during that good lord's administration; and they hope will confirm the acts past in colonel Ingoldsby's time: What we have said on this head, shews very plainly who are the persons that ought, with most reason to be charged, with the

making away those original laws. We'are concerned, we have so much reason to expole a number of perions, combined to do New-Jeriey all the hurt that lies in their power: Her majesty has been graciously pleased to remove colonel Richard Ingoldsby from being lieutepant governor, and we cannot sufficiently express our gratitude for fo lingular a favour; and especially for appointing your excellency to be our governor : We have all the reason in the world to be well affured, you will not forget that you are her subject; but will take care that justice be duly administred to the rest of her subjects here; which can never be done while William Pinhorne, Roger Mompellon, Daniel Coxe, Richard Townley, Peter Sonmans, Hugh Huddy, and Wil-· liam Hall, or Jeremiah Bass, Esqrs, continue in places of trust, within this province; nor can we think our liberties or properties fafe while they do; but if they are continued, must with our families defert the province, and feek some fafer place of abode; We shall wait till your excellency can transmit accounts of the state of this colony, to her majesty; and assure you, that we will on all occasions very readily, to our power, comply with her majesty's directions, and be wanting in nothing that may conduce to make your administration happy, both to yourself and us.

Signed by order of the house of representatives.

Die Veneris, A. M. WILL, BRADFORD, Clk.

g Feb.---1710.

This representation was received kindly by the governor; he answered, that her majesty had given him directions to endeavour to reconcile the differences, that were in this province; but if he could not

# ONEW-JERSEY.

not, that he should make a just representation to her; and that he did not doubt, but that upon the repre-fentation he should make, her majesty would take fuch measures, as should give a general satisfaction.

The governor accordingly backing the remonstrance to the queen, got all the councellors removed, that were pointed out by the affembly, as the cause of their grievances, and their places supplied by others: The business of this session being finished, the governor prorogued the house.

# CHAP XXI.

A session of general assembly: A second expedition to Canada: Meeting of a new affembly: They quarrel: Some members designedly absent themselves: Expelled the bouse: Several of them again returned, and refused Seats: A fruitful session at Grosswicks vo Last session in Hunter's sime. An all passed for numing the division line between East and West-Jersey: William Burnet arrives governor: An uncommon wet barveft: Governor Burnet meets a new affembly.

GOVERNOR Hunter, convened the affembly in the fummer, 1711, and opened buliness, with telling them, That her majesty's instructions which be was commanded to communicate, would discover the reason of his calling them together, at this time, and speech. that he doubted not the matters therein contained, would be agreeable to them, and the fucces profitable.

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That the fleet and forces deftined for the reduction of Canada, were arrived in good health and condition, and would proceed in a little time; that what was required on their parts, was the levying in each divifion 180 effective private men, belides officers, and to provide for their encouragement, pay, and provisions,

A. D. 1711.

A.D. 1711. as well as transportation over the lakes, and other in

The affembly resolved to encourage this expedition, Second by raising to the value of 12500 ounces of plate, in paper bills of bills of credit, to be funk, together with the former 6. 3000, by a subsequent tax; and provided bills for credit. raising volunteers to go on the expedition, and for emitting the money.

> The governor passed the bills, and dismissed them with thanks, for the chearful dispatch they had given.

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This was a fecond expedition against Canada, and made a formidable appearance: Nicholfon's defigns having hitherto, by various disappointments, failed; on to Ca- he now, under the scheme of reducing all Canada, and thereby engroffing the cod fifthery, to prevailed on the new ministry, that the regiments of Kirk, Hill, Windress, Clayton, and Kaine, from Flanders, Seymour's, Difney's, and a battalion of marines from England, under the command of brigadier Hill, were fent to him, on this occasion; they came in 40 transports, under convoy of 12 thips of the line of battle, Fleet ar- commanded by admiral Walker; several frigates, two

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bomb vessels; and brought a large train of artilley, riyes. under col. King, with 40 horses, and fix store ships;

they arrived at Bofton early in the fummer of anist By orders from home, a congress was held at New-Gover. London, of all the plantation governors, north of Pens-Congress, sylvagia, with Nicholson, to adjust the measures to fallen upon : Two regiments from the Maffachusetts, Rhode-Island, and New-Hampshire, joined the British forces; while the militia from Connecticut, New-York, and New-Jersey, with the Indians of the five nations, under Nicholson, marched by land from Albany, to attack Montreal : The fleet being retarded

2. Equal to L. 5000 currency, at that time.

a Bofton for want of provisions, occasioned admiral Walker, in a letter to governor Dudley of Bolton, to write, 'I concur with the opinion of all the fea and land officers here, that the government of this colony have prejudiced the prefent expedition, instead of 'affifting it.' The fleet confifting of 68 veffels, and 6463 troops; anchored in the bay of Gaspee, on the fouth fide of the entrance of the river St. Lawrence, to take in wood and water, on the 18th of the month talled August, and the 23d in the night, contrary to the advice of the pilots, weighed anchor in a fog, fell Several in with the north shore, and lost 8 transports and 884 transports men upon the island of Eggs: A council of war was alled, who refolved, that by reason of the ignorance of the pilots, it was impracticable to proceed, and that advice should be fent to recall general Nicholion from proceeding to Montreal; which done, and the fleet Fleet rereturning, anchored in Spanish River, off Cape Bre-turns. ton, September 4; and there, in a council of war it was refolved, not to attempt any thing against Placentia, but to return to Great-Britain: They failed for England September 16, and arrived at St, Helens the 16th of October: The Edgar, with the admiral's papers, blown up. was blown up: This prevented other particulars of the expedition transpiring; thus concluded, at a great expence of men and treasure, an affair above three years in agitation.

In 1712 died Thomas Gardiner, of Burlington, Everal times mentioned before; he was well acquainted the fecond with publick bufiness, a good furveyor, and useful T. Garmember of fociety; feveral years one of the council, diner. treasurer of the western division, and the first speaker of affembly after the union of the governments, East and West Jersey.

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The 7th of December, 1713, the governor called the affembly, and next day informed them, that he Affembly

was glad to fee them after fo long absence, and believed they were not forry to meet him in fo good company; i. that the tender regard her majesty had to their quiet, in particular at a time when the had bleffed the world with a general peace, called for their pious endeavours and could not fail of meeting the returns due from the most grateful people, to the best and most indulgent princes; that he was perfuaded the efforts of fuch as had been removed from places of trust by the queen at their request, would be too impotent to destroy the peace, by breaking that murual confidence, or diffurbing that harmony, that then sublisted between the feveral branches of the legislature; that full of this confidence, he recommended to their immediate care the providing for past arrears, and future support of her majesty's government, the discountenancing vice and immorality, the improvement of trade and encou ragement for planting and peopling the province that this could not be better effected than by a law t affirm and afcertain the respective properties of th proprietors and people, if they thought it practicable

That the gentlemen of the present council, having no views or interests differing from theirs, if the would agree to frequent and amicable conferences with them, or a number of them, upon all matters unde deliberation, it would save much time and effectuall disappoint all contrivances of their enemies; 'who is return for their being at present no councellors, has ridiculously endeavoured to persuade some that the were no affembly.'

Affemblys address. The affembly replied, That they were indeed gla to meet him in such good company, and as the person

I, Meaning the change of councellors, William Pinhorne, Dani Coxe, Pteter Sonmans and William Hall, had been suspended, as a mandamus fince arrived, appointing John Anderson, Elisa Pa ker, Thomas Byerly, John Hamilton and John Reading.

17130

who had hitherto obstructed the welfare of their country, were removed, they presum'd on the favour oftener than heretofore; they acknowledged themselves under the greatest obligations to the best of queens, and hoped their actions would demonstrate they were not ungrateful.

Among other bills passed this session, was that entitled, 'An act that the solemn affirmation and declaration of the people called quakers, shall be accepted instead of an oath in the usual form, and for qualisying and enabling the said people to serve as jurors, and to execute any office or place of trust or profit within this province.'

This bill was introduced by the governor's communicating to the house the queen's instruction on that head, after it was fully adjusted by the council and assembly; the second enacting clause was thought to be designedly left out by the secretary, who had it to engross, it so passed the council without being perteiv'd; but on reading it again in the assembly it was discovered, and the secretary making his acknowledgement at the bar of the house, it passed over: This act continued till the year 1732, and then was supplied by that now in force.

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Other laws also passed; this session concluded to mutual satisfaction.

I thank you, fays the governor in his concluding speech to the house, for what has been done this sessions for the support of this her majesty's government, and do not doubt, but that you will receive ample thanks from those who sent you, for the many good laws that have been passed; some things that in their nature were acts of savour, I have agreed that they should be made acts of assembly, that your share may be greater in the grateful acknowledgment of your country.

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A hope my conduct has convinced the world, (1) cannot suppose you want any further conviction) that I have no other view than the peace and prosperity of this province; if such a few as are enemies to both, are not to be reduced by reason. I shall take the next best and most effectual measure to do it.

No historical occurrences intervening, we pass on to

Governor Hunter met a new affembly at Perth-1716. Amboy, in the spring, who chose col. Daniel Coxe, speaker; being presented and accepted, the governor by speech informed them,

That the diffolution of one affembly by the demise of the late queen, of another by the arrival of a new patent from the present king, constituting him governor of the province, and of a third by reason of a circumstance well known, together with the long sessions at York, and his necessary attendance on the service of the frontiers, had been the occasion of putting off their meeting till now; that on his part he brought with him a firm purpose for the advantage of the subject and service of the crown; which, (says he) 'I have ever pursued, and now bid a fair defiance to the most malicious to assign one single instance in which I have acted counter to what I now profess, notwithstanding the false and groundless accusations and infinuations to the contrary, from two persons on the other side,

m. The members, Town of Burlington, Daniel Smith, Samuel Smith. County of Burlington, Jacob Doughty, Jacob Hewlings. Gloucester, Colonel Daniel Coxe, Richard Bull. Town of Salem, William Hall, Henry Joyce. County of Salem, William Cleve, Dickinson Shephard. Cape May, Jacob Spicer, Jeremiah Bass. Petth-Amboy, William Eirs, John Harrison. Middlesex, John Kinsey, Charles Morgan. Essex, Josiah Ogden, Joseph Bonnell. Bergen, David Akerman, Henry Brockholst. Monmouth, Elish Lawrence, William Lawrence. Somerfet, Benjamin Clark, Thomas Hall.

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which though they met with that contempt at home they deferved, I could not without injuffice to myfelf the pass unmentioned here.

The affembly being now conven'd at Amboy, when it ought in turn to have been at Burlington, were determined to remonstrate against the infringement of the usual custom of alternately meeting at each of those places, and accordingly represented to the governor, that in the year 1709, an act was passed, entitled, An act for ascertaining the place of the sitting of the representatives, to meet in general assembly; that in March, 1710, the aforesaid act was consumed, sinally enasted and ratified by her late majesty, with the advice of her privy council, and transmitted to him (the governor) by the lords commissioners for strade and plantations, the 16th of said month.

That as they found themselves entirely inclinable to pay all due regard and obedience to his majesty's and the governor's commands, so they could not but think it their duty to maintain the known establish'd lays of the province.

And as that law had the royal fanction, and had gone through all the usual forms both here and in Great-Britain, necessary to the confirming and people wating of it, they were of opinion it was still in force.

The governor replied, That his majesty's instructions, which were laws to him, having restored that affair to the just and equal footing upon, which it was put by, and at the time of the surrender of the government by the proprietors, he could not give his consent to any alteration, or give way to any thing that might chude the intent and purpose of that instruction without giving juster grounds of complaint against him, than he had hitherto given; and that he had reasons of

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A. D. 1716.

great weight, made it impracticable for him to hold either council or affembly at Burlington, at this time.

The dispute being principally founded on the new commission to the governor, upon the accession of K, George the first to the throne; the affembly thought proper to let it drop, and purfue what was before them at the place where they were then conven'd; matters however went heavily on; the speaker disliked the governor, and influenced many of the members: The governor faw there was no profpect of their answering the defign of their meeting at that time, fo prorogued

refuse attending.

He fummoned them to meet again at Amboy on the 14th of May, when only nine members appearing they waited five days, and then prefented an address, requesting the governor would take fuch methods as he should see meet, to cause the absent members to attend the fervice; he fent warrants to feveral of them, commanding their attendance, as they would answer the contrary at their peril; four presently appeared, and there being now thirteen met, the governor fent for them, and recommended their meeting at the house and choofing a speaker, (for their speaker was ablent among the rest) in order to enable themselves to fend their ferjeant at arms for those that were still absent.

The thirteen met the 2xft, but the speaker fill absent; they proceeded to a new choice, and placed John Kinfey in the chair.

This done, and the new speaker presented, the governor delivered his speech : it is sing and to one and

4 Gentlemen, Thurward . 10 sugarq and The last time you were here upon the like occasion, I told you, that I thought fit to approve of whatever choice you thought fit to make of a speaker : I now tell you that I heartily approve of the worthy choice you have made. · As

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1710.

As the conduct of that gentleman who last filled the chair, sufficiently convinced you of a combination between him and his associates, to deseat all the purposes of your present meeting; I hope, and cannot doubt but it will open the eyes of all such as by his and their evil acts, and finistrous practices, have been missed and imposed upon; so that for the future, here they will not find it so easy a matter to disturb the peace of the country.

I must refer you to what I said at the opening of the assembly; but harvest drawing near, I am assaid you'll hardly have time for more business than what is absolutely and immediately requisite; that is the support of the government, and the publick credit, you know that the date of the currency of your bills of credit is near expiring, so there will be wanting a new law to remedy the evil that must attend the leaving the country without a currency for ordinary sules, as well as trade,

ROBERT HUNTER.

The house then examined into the conduct of their late speaker, and the absent members, who on the question, were all at different times severally expelled, for contempt of authority and neglest of the service of their country, and writs issued for new elections.

The 8th of next month foon after the speaker's exclusion, but before the other members were expelled, the affembly presented their address as follows:

'May it please your excellency,

Your administration has been a continued series of justice and moderation, and from your past conduct we dare assure ourselves of a continuation of it, and we will not be wanting in our endeavours to make suitable returns, both in providing a handsome support of the government, and of such a continuance as may demonstrate to you and the world, the sense we have of our duty and your worth.

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"The gentleman, our late speaker, has added this one instance of folly to his past demeanour, to convince us and the world, that in all stations, whether of a counsellor, a private man, or a representative, his fludy has been to diffurb the quiet and tranquility of this province, and act in contempt of laws and government; we are fensible of the effects it has had and may have on the publick peace; and our expulfion of him, we hope evinces that we are not the partifans of his heat and disaffection to the present government; we are very forry he has been capable to influence fo many into a combination with him, to make effectual his ill purpofes; but we hope it is rather the effect of weakness than malice, and that their eyes are now fo much opened that they'l return to their duty, and join with us in providing for the publick credit, and what ever elfe may make this province happy, and your excellency eafy.

Next the affembly resolved, 'That the late members whom they had expelled, should not fit as members of the house if they should be returned on a new election, during this sessions of assembly.'

Notwithstanding this resolve, several of the same members were returned; but resused seats in the house, and the electors obliged to choose over again.

October. In November the same house met at Croswicks, the small-pox being at Burlington; the governor opened the business of this session by telling them, That supporting government and publick credit, required their immediate deliberation; that they knew the funds for the first had expired fifteen months ago, and that the other had suffered much by the obstinacy of some in refusing the payment of taxes, or remispels

s. The true Indian name of this place is supposed to be Clos-weekfung, a separation.

17.16.

self in others in collecting or putting the laws in execution, fufficient (if duly executed) to have answered the end, and in a great measure prevented or remedied that evil; that he doubted not they were now mes with agood disposition, as well as in full freedom, all clogs and bars being removed, to purfue to effect the good ends of their meeting, and to make good their engagements and promifes in feveral addresses; that the true interest of the people and government were the same; wit, a government of laws, that no other deferved the name; that this was never separated or separable but in imagination by men of craft, such as were either abettors of lawless power on the one hand, or coofufion and anarchy on the other; that the first was not the case of this province, and we had well grounded hopes, that all endeavours towards the latter were ceased. m mane read to long

This session proved long and fruitful: It held above two months; fixteen publick and private bills received the governors affent.

In 1718 died Samuel Smith, one of the members of assembly for Burlington; he had sought happiness in the quiets of obscurity, but being against his inclination called to this and other publick stations, he passed throw them with a clear reputation: In private life he was inoffensive, benevolent, steady and respected.

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This year was remarkable for an uncommon from of hail: It fell larger than had been remembered before in the provinces, it killed many wild pigeons, and other birds, and did considerable damage.

4. He with five of his brothers, John, Daniel, Joseph, Emanuel and Richard, and one fifter, removed from near Bramham, in Yorkshire, at different times; but mostly in and about the year 1691. Daniel served the publick several years faithfully in assembly, and died in 1742. Richard was 12 years one of the council, and died the latter end of 1750.

1718.

In the beginning of summer 1742, another happened with a strong gust of wind, accompanied with
some rain and hail of very uncommon bigness; in one
house it was said to have struck 28 holes through the
roof; the damage to the grain in some places was so
great, that the farmers began to forbear selling their
last year's stock, least they should want bread; a
Amwell, a boy was said to be kill'd, and others very
much hurt,

Such another happened in the fpring 1758: It came from the north, the hail in large stones continued for 8 or 10 minutes, and abated gradually; it drifted in some places 6 inches thick, it went in a vein (as it commonly does) about a mile and a half broad: The destruction of green corn and gardens were great, and the trees had their young leaves shattered to pieces.

In the spring governor Hunter again met the assembly at Perth-Amboy; but at the desire of the members their private affairs interfering, they were adjourned to the winter, when meeting he made a speech, setting forth;

That the revenue was fometime fince, expired that when this came under confideration, he defired a augmentation of the officers falaries; that in former act they were so scanty and so retrench'd from what the had been, that the officers were not enabled to per form their respective duties.

That the affembly of New-York, had passed a act for running the division line, betwixt this province and that upon supposition, that another for the same purpose would be passed here; that the justice due to the proprietors and the disturbances among the people made such a law immediately necessary; that he has formerly recommended their providing for an agent at the court of Great Britain, and now repeated it that

hat the lords commissioners for trade, had in several of heir letters complained of the want of one; that this was the only province in his majefty's dominions, that had none; that by means of this omiffion their bufines in England flood ftill; that what could not be delayed without danger or lofs to the publick, fince his adminifration had been negociated by perfore employed by him, at his own very great expence, which he hoped they would confider; that as to projects of trade, he had no reason to change his opinion since they last met; that to this subject he referred them on what he then a neral, on the parter New-Long

The affembly faid in their address, That they were not infentible the prefent circumftances of the govern- Address. ment as well as of the country, made their meeting necessary, notwitstanding the rigour of the season; that they were not unmindful that the revenue was expired, nor of their duty in a reasonable support; that they were willing to pass an act for running the division line betwixt this province and New York; but conceived the expence of that affair belonged to the proprietors of the contested lands; that they were very fensible an agent for the province at the court of Great Britain, was very necessary, but were forry the cirsumstances of the province, were such, that they

infeed by commissioners to be appointed ). The paragraph was as followeth:

As for the measures of advancing or rather for giving a being to trade amongst you, the generality of you has thewn such aversion to folid ones; and others fuch a fondness for imaginary or ruinous ones, that without a virtue and resolution of serving those you represent against their inclination, your endeavours will be to little purpose; but if any thing of that nature fall under deliberation, I cannot think of a better guide, than a just inspection into the trade in other provinces, where it is in a good and flourishing condition, the means by which it became fo, can be no mystery; where it is otherwise, or has decayed, you will find the true cause of such decay conspicuous: And it is but a rational conclusion, that what has form'd trade or that on which it depends, credit in one place cannot but be the most proper means either to begin it or preserve it in another.

1710.

could not make a fuitable provision for so useful an officer; and that they would readily come into an measures that might be effectual to promote the trade and prosperity of the province.

This fession produced eleven publick and private bills, among them was one for running and afcertaining the division line betwirt New-Jersey and New-York; but this act was never put in execution further than fixing the north partition point; this was done by indenture made the 25th of July, 1719, between R. Walter, Isaac Hicks and Allane Jarrat, surveyor general, on the part of New-York; John Johnston and George Willocks, on behalf of East Jersey Joseph Kirkbride and John Reading, on behalf of West-Jersey, and James Alexander, surveyor general on behalf of both East and West-Jersey; these commissioners and surveyors duly authorized, met at the place, and after many observations of the latitude, unanimoully by the deed aforefaid, fixed the north partition point on the northermost branch of Delaware, which they found to be that branch called the Fifh-Kill: This done, the commissioners for West-Jersey thought the were not further concerned; the others, though bal greatly interested in having it settled, left it an uncotainty till 1764, when by acts of affembly of both colonies, it was referred to be finally fettled and determined by commissioners to be appointed by the crown

Another act pass'd now, was that for running and ascertaining the line of division between East and Well Jersey, 9. the conditions here not hitherto complied with this line remains in the fame uncertainty the aft left it; ftill a subject of inconvenience and anxiety to many and feems to call for exertion in those with whom the

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powers to fettle it, are properly lodged.

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q. Vid. Laws of the province, vol. 1, p. 63, &c.

The beginning of the fummer this year afforded a fair prospect of a plentiful harvest, much was expected from a great crop in the ground; a day or two in the beginning proved good weather, but before the grain veft. was fecured, showers of rain and a few hours funshine constantly succeeded each other; clouds at first small in appearance, spread widely and filled the furrows: the intervals of funshine encouraged opening the shocks, but were not long enough to dry them; after feveral weeks came two days and an half fair weather; what could be dried and fav'd was now done, the rain then began again, and continued day after day as before, alternate rain and funshine for near three weeks, so that fingle ears of corn flanding, grew; thus it continued till the grain was generally reaped, several lost their corn entirely, others faved but little; this was what is called the wet harvest.

We are now come to the end of governor Hunter's administration, he refigned in favour of William Burnet (fon of the celebrated bishop) and returned to Governor Hunter re-England; he had a ready art at procuring money, figns. few loved it more; this foible 'tis faid drew him into themes, gaming, and confiderable loffes; the not in all respects accomplished: His address here was engaging and fuccessful, he affented to most of the laws the people wanted, and fill'd the offices with men of tharacter. He had before, so early as the year 1705, been appointed lieutenant governor of Virginia, under George earl of Orkhey, and was on his voyage thither taken prisoner to France.

The affembly at the fessions last mentioned, fixed for falary and incidental charges 6001. per annum, Salary. for two years this had been the accustomed support, fince the furrender, except once in lord Cornbury's time, 500l. was provided in the fucceeding administra-

1719.

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tions,

tions, till Lewis Morris, came governor of New-A.D. 3720. Tersey, separate of New-York; when it was augmented to roool, per annum, and bol. house rent, with 200 1 15 5 5001. addition the first year, for expences attending his voyage, &c.

Governor Burnet.

Governor Burnet . met the affembly foon after his arrival, but little bufinels was then thought necessary, nor did they very well agree; that house had been continued a long time, and were now diffolved, and writs iffued for a new election.

The members returned, were convened early in the fpring 1721; they chose dr. John Johnston, speakers

The governor's speech.

Speech.

Gentlemen, 'The choice which the country has made of you to

represent them, gives me a happy opportunity of knowing their fentiments; now when they have been

fully informed of mine in the most publick manner

I have no reason to doubt, that after so much time given them to weigh and confider every particular

you bring along with you their hearty resolutions to

support his majesty's government, in such an ample

and honourable manner as will become you to offen

and me to accept; and in doing this, I must recom-

r. The members of council in his instructions were, Lewis Morni Thomas Gordon, John Anderson, John Hamilton, Thomas Byrry, David Lyell, John Parker, John Wills, John Hugg, John John Hong, John John ston, jun. John Reading, Peter Bard.

J. The members of this house were: Town of Perth-Ambry, John Johnston, Andrew Redford. Gounty of Middlesex, John Kinley Moses Rolph. Somerset, Robert Lettis Hooper, Thoams Leonard Essex, Josiah Ogden, Joseph Bonnel. Bergen, William Provok Itaac Vangezon. Monmouth, William Lawrence, Garrat Schank Town of Burlington, John Allen, Jonathan Wright. County, Burlington, William Trent, Thomas Lambert. Gloncofter, Samu Cole, John Mickell. Town of Salem, John Mason, Thoma Mason. County of Salem, Isaac Sharp, Bartholomew Wyatt. Can May, Humphrey Hughes, Nathaniel Jenkins,

1721:

mend to you, not to think of me, fo much as of the inferior officers of this government, who want your care more, and whose salary have hitherto amounted to a very small share of the publick expence. I cannot neglect this occasion of congratulating you upon the treasures lately discovered in the bowels of the earth, which cannot fail of circulating for the general good, the increase of trade, and the raising the value of estates; and now you are just beginning to taste of new blessings, I cannot but remind you of those which you have so long enjoyed, and without which all other advantages would but have encreased your sufferings, under a Popish king, and a French government.

You can ascribe your deliverance from these, to nothing but the glorious revolution, begun by king William the third, of immortal memory, and compleated by the happy accession of his present majesty king George, to the throne of Great-Britain, and his entire success against his rebellious subjects at home, and all his enemies abroad.

'To this remarkable deliverance, by an over-ruling hand of providence, you owe the preservation of your laws and liberties, the secure enjoyment of your property, and a free exercise of religion, according to the dictates of your conscience: These invaluable blessings are so visible among us, and the misery of countries where tyranny and persecution prevail, so well known, that I need not mention them, to raise in your minds the highest sense of your obligations to serve God, to honour the king, and love your country.

W. Burnet:

The

t. Whether an alteration in sentiment, or instructions, or both was the cause, must be left to conjecture; but while governor of the Masachusetts Bay, his conduct was different; there he insisted for several years with the greatest sirmness on an indefinite support, and pursued it through the plantation board, privy council, and to the parliament, where his death prevented its coming to a conclusion.

The affembly's address.

' May it please your excellency:

We gladly embrace this opportunity, to affure your excellency, that our fentiments and those we represent, are one and the same, chearfully to demonstrate our loyalty to our sovereign king George, and submission to his substitute, and readiness to support his government over us in all its branches, in the most honourable manner the circumstances of this province will allow; which we hope your excellency will accept of, tho it fall short of what the dignity of his majesty's governor and the inferior officers of the government might expect, were the province in a more flourishing condition.

We thankfully acknowledge your excellency's congratulation, and doubt not when the imaginary treafures (except mr. Schuyler's) becomes real, the country will not be wanting in their duty to his majefty in
making your excellency, and the officers of the
government partakers of the advantage.

We doubt not but your excellency will extend your goodness to countenance any proposal that may tend

to the publick utility.

We hope your excellency will excuse us in falling fhort of words, to express our thankful acknowledgements to God Almighty and those under him who have been instruments in working deliverance to that glorious nation to which we belong, from popery, tyranny and arbitrary power, wishing it may always be supplied with great and good men, the will endeavour their utmost to maintain his majesty's royal authority, and affert and defend the laws liberties and properties of the people, against all foreign and domestic invaders.

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We beg your excellency to believe the fincerity of our thoughts, that there are none of his majely fubjects that entertains hearts more loyal and affection on the first on the first on the first of the first on th

liffue, and magistrates in their respective degrees, than doth the representatives of his majesty's province of JOHN JOHNSTON, Speaker.

A. D.

Sundry bills were prepared this fessions, among these, one had a title too fingular to be omitted, An all equinft lenying the divinity of our favoiour Jefus Christ, the dell'ine A remark. f the bleffed trinity, the truth of the boly scriptures, and able bill. preading atbeifficat books! Affemblies in the colonies have rarely troubled themselves with these subjects, perhaps never before or fince; it probably arole from the governor's motion, who had a turn that way, and had himself wrote a book to unfold some part of the spocalipse; the bill was however rejected on the second rading in the affembly: The fessions continued near two months, the support was settled gool. a year, for five years; the governor after passing that, and several other bills, difmiffed the house with the following peech.

Gentlemen,

e,

'I have fo many reasons to thank you for your pro- speech at cedings in this affair, that should I mention them dismissing all, time would not fuffice me; two I cannot but the affemacknowledge in a most particular manner; the acts for the chearful and honourable support, and for the keurity of his majesty's government in this province.

'I cannot but fay, that I look upon the latter as the noblest present of the two; as I think honour always more than riches: The world will now fee the true cause of our misunderstandings in the last affembly, and that we met in the innocency and fimplicity of our hearts: that the enemy had fown fuch feeds of diffention among us, that defeated all our good purpoles, and made us part with a wrong notion of one mother.

It has pleased God now to discover the truth, and so man in his fober fenses can doubt that the hand of Joab was then bufy, as it is now certain that it has at this time. Ee

A- D.

It is a peculiar honour to me to be thus justified in all my conduct by the publick act of the whole legislature; and God knows my heart, that I am not fond of power, that I abhor all thoughts of revenge, and that I study to keep a conscience void of offence towards God and towards man.

'After the publication of the acts, I desire you to return to your house, and after having entered this 'speech in your minutes, to adjourn yourselves to the first day of October next; that tho' it is not probable we should meet so soon, it may not be out of our power if occasion should be.

May 5, 1722.

W. BURNET.

Governor Burnet, after this, continued to prefide over New-York and New-Jersey, till 1727; when he was removed to Boston, and succeeded by John Montgomerie, Efq; he continued till his death, which happened in the fummer 1731: To him fucceeded William Colby, Efq; he continued till his death in 1736? The govern ment here then devolved on the president of the council, John Anderson, Esq; he died about two weeks afterwards, and was succeeded by John Hamilton, Esq (fon of Andrew Hamilton, governor in the proprietors time) he governed near two years. In the fummer, 1738, a commission arrived to Lewis Morris, Esq; 25 governor of New-Jersey, separate from New-York he continued till his death in the fpring 1746; he was fucceeded by president Hamilton; he dying, it devolved upon John Reading, Efq; as the next eldeft councellor he exercised the office till the summer 1747, when Jonathan Belcher, Esq, arrived; he died in the summer 1757, and was succeeded by John Reading, Esq. president. Francis Bernard, Esq; arrived governor 1758 was removed to Boston, and succeeded here by Thomas Boone, Efq; in 1760; he was removed to South Carolina, and succeeded here by Josiah Hardy, Esq

In 1761; he was removed, and afterwards appointed tonful at Cadiz, &c. and succeeded here in the spring 1763, by the present governor, William Franklin, Esq.

A. D.

#### CHAP. XXII.

#### Occurrences fince the year 1721.

HAVING now gone through the accounts proposed to the limited period; what follows are partly matters incidental; the rest the not a regular course of events, nor perhaps more important than others omitted, may nevertheless assist in a future Volume, and in the mean time possibly be of some historical service here.

December 29, this year, died William Trent, Esq; thief justice of New-Jersey: He was several years member, and part of the time speaker of the assembly; and being a large trader at Trenton, when that place was laid out for a town, it from him took its name, being before significantly called Little-Worth: He had been also speaker of the assembly of Pennsylvania; he hore the character of a gentleman.

In November a small earthquake was felt, it began between the hours of ten and eleven at night.

In this year the following act was passed, which the but short, will probably hereafter be found of great importance.

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'An act for the limitation of actions, and for avoiding fuits in law.

'For quieting men's estates and avoiding of suits:
Be it enacted by the governor, council, and general
assembly of this province, and it is hereby enacted
by the authority of the same, That all the statutes
now in force, in that part of Great-Britain, called
E e 2
England,

1724

1726.

1727.

England, concerning the limitation of actions, real and personal, shall, and are hereby declared to be in force in this province from the publication hereof, as fully and effectually, as if every of them were herein at length repeated and enacted; any law, usage or custom to the contrary in any wife notwithtanding.

Extracts from the proceedings of the house of assembly of the colony of New-Jersey, John Montgomerie, Esq; governor.

1728.

Extracts from the affembly's minutes on the subject of a separate government.

Die Jovis, 9th of January, 1728. A motion being made, whether the having a diffinct governor for New-Jersey, be in the opinion of the house for the advantage of the province, or not? A debate arising thereon,

and the question being put, the previous vote was demanded, whether that question be now put or not? it was carried in the affirmative; and then the question was put, whether the having a distinct governor for

New-Jersey, be in the opinion of the house, for the advantage of the province, or not? it was carried in the affirmative: Then the house adjourned till three,

o'clock, P. M.

Three o'clock, P. M. the house met according to adjournment. Resolved nemine contradicente, that the house will enter into consideration, what may be the most effectual method for obtaining a distinct governor for this province hereafter; and it is ordered, that mr. Kinsey, mr. Stacy, mr. Lambert, mr. Eaton, mr. Sonmans and mr. Bonnell, wait on his excellency and council, with this and the last resolve, and define

their concurrence therein, and a conference touching the manner most likely to effect it; and wishal, to

fignify to the governor and that board, that it is in no wife the intention of this house, to give him the

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· least uneasiness (were it in their power) during the time he may continue in commission; but only to take

fuch measures as may best conduce to the end afore faid, when his commission may determine by the

king's pleasure or otherwise; and this they conceive

sa duty incumbent upon them: Then the house ad-'journ'd till to-morrow, nine o'clock, A. M.

A. D. 1728.

'To the king's most excellent majesty.

The humble petition of the representatives of the province of New-Jersey, in America, in general 'affembly convened.

' Most gracious sovereign,

WE, your majesty's most loyal and dutiful subjects, the representatives of your province of New-Jersey, in general affembly convened, by the early care your petition to majesty has been pleased to shew for the general benefit the king. of all your people, are animated to believe, that nothing which may contribute to the advantage and 'prosperity of this, (though small and distant) part of your dominions, will be denied us; we therefore beg leave thus to approach your royal prefence, in discharge of that duty we owe to your majefty and to our country, in the most humble manner here to represent:

That the inhabitants of this colony, (formerly a proprietary government) fince the furrender thereof to the crown, have always been under the fame governor with your majesty's province of New-York; that we humbly apprehend it would much more conduce to the benefit of this province, and no prejudice to that of New-York, were their governors,

'as are the governments, distinct.

It is a peculiar happiness many of our fellow subjects enjoy, to be near your royal person, and to partake of the immediate influence of fo good a government; but fince our distance deprives us of that great. benefit, it might, (we humbly conceive) in some degree be recompenced, by having a person cloathed with your majesty's authority constantly reliding 'amongst us: This we cannot expect while under the fame governor with New-York; that government necessarily taking up so much of our governor's time, that but a small part of it can fall to our share; and his residence being chiesly there, renders applications

A. D. 1728. to him from hence, on ordinary occasions, difficult, and in extraordinary cases (however willing) he may be unable to relieve until the affairs of that province will permit his coming into New-Jersey.

Under the like difficulties, (and for the like reason)
we have laboured in respect to our principal officers,
who have formerly been inhabitants of that colony;
which not only renders them less useful in their several
stations, but by spending their salaries there, drained
us of money, which would otherwise have circulated

our having the same governor with the colony of New-York at first, was (as we humbly conceive) because this province was then in its infancy, the inhabitants few, and it might justly have been thought too heavy a burthen to maintain a governor of our own; but since we are now much more numerous, and are as able and willing to support one, as divers of our neighbouring colonies, who enjoy that benefit;

we are humbly of opinion, the granting this colony fuch a governor, might tend to encrease our wealth, and put us in a condition to emulate our neighbours

in trade and navigation,

We entreat your majesty to believe, that nothing we here say, proceeds from any distaissaction to our present governor; on the contrary, we are well pleased with his government, and desire it may continue during your royal pleasure; but all we humbly ask, is, that when your majesty shall think sit to put a period to his government, you will then graciously condescend to bestow a distinct governor on this your colony of New-Jersey.

That your majesty may long live to enjoy the crown you wear, with ease and delight, exceeding in honour your illustrious ancestors; that when you part with an earthly diadem, it may be to receive a crown more permanent and glorious, and that Great-Britain and these your dominions, may be always happy in a fovereign, whose virtues are so conspicuous (as in duty

duty we are bound) shall be the prayers of, may it please your majesty,

A. D.

Your majesty's most dutiful and most loyal subjects. By order of the house,

' John Kinsey, jun. fpeaker.'

Divers of the members of this affembly being of the people talled quakers, concur to the matter and fabitance of this address, but make some exception to the stile."

Report of the lords of trade, relating to the separating Report of the government of the province of New-Jersey, of the Lords of from New-York. Trade.

To the right honourable the lords of the committee of his majefty's most honourable privy council.

My Lords,

We have confidered the humble petitions of the president and council, the speaker, and several members of the affembly, of his majefty's province of New-Jersey; of the grand jury of the faid province, and mr. Richard Partridge, agent for New-Jersey; 'together with two other papers annexed to the last mentioned petition; all of them referred to us, by your lordships on the 24th day of May last; humbly praying, for the reasons contained, that when his majesty shall nominate a governor for the province of New-York, the province of New-Jersey may not be included in his commission, but that his majesty would be graciously pleased to appoint a separate governor for the faid province of New-Jerfey.

We have considered the reasons given by the petitioners for this separation, and upon the best information we have been able to procure, we take leave to acquaint your lordships, that the allegations of the several petitions appear to be of great conse-'quence; and we cannot doubt but that a separate governor, whom the province is willing to support, would be a means to give a quicker dispatch to their publick affairs, to encrease their trade and number of people, and very much advance the interest of the. province.

· Wherefore

A. D. 1748. Wherefore we are humbly of opinion, that his mai jefty may be graciously pleased to comply with the prayer of these petitions.

. We are, my lords, your lordships most obedient

and most humble fervants.

Whiteball, Aug. 5, 1736.

T. PELHAM.

ORL. BRIDGMAN.

JA. BRUDENELL.

In this year died John Hugg, Esq; of Gloucester 1730. County: He was about ten years one of the council; Riding from home in the morning, he was supposed to be taken ill about a mile from his house; when getting off his horse, he spread his cloak on the ground to lie down on; and having put his gloves under the saddle girth, and hung his whip through one of the rings, he turned the horse loose, which going home, put the people upon searching, who found him in this circumstance speechless; they carried him to his house, and he died that evening.

In the spring this year, died in an advanced age,
John Barclay, brother of Robert Barclay the apologists
He bore the character of a good neighbour, and was
ferviceable to the publick in several capacities, but more
particularly in Amboy, where he lived and thed: He
came over early among the Scotch settlers to East-Jersey,

On the 5th of September, about noon, a small shock of an earthquake was felt.

On the 6th of September, died in the seventy-first year of his age, dr. John Johnston, of Amboy: He was an early settler in East-Jersey; 13 years member of assembly, and ten of the time speaker; he went through several other important offices with reputation. In his practice as a physician, he was knowing and useful, and did many charitable acts; for the poor were generally the objects of his particular care.

In the fpring this year, died Peter Sonmans: He was fometime one of the council for New-Jerfey, appointed by queen Anne; but being furpended, he was afterwards twice chosen in the affembly for Bergen; he was agent to some of the proprietors of East-Jersey, furveyor general there, receiver of the quit rents, and ranger of the forests, as well as sea coasts, &c. He was fon to Aarent Sonmans, one of the states of Holland; who having purchased a considerable share of propriety in East-Jersey, had intended to have come over; and embarking for that purpose, arrived in England; and riding in company with Robert Barclay for London, was fhot by a highway-man, supposed to be an effect of the party confusion in Holland, relating to De Wit : His estate falling to Peter, he became a great proprietor: He had before finished his studies at Leyden, and had borne considerable offices in England, under king William: About 1705 he came over hither to fettle, it being his fecond voyage: He continued much engaged in the bufiness of his offices; but being no ceconomist, he was greatly embarrassed in his private affairs: We have before feen by the publick charges, other imputations he lay under. He published a long vindication of his character; but with what success, is a question not now easily resolved. untain of Motor Calette

In November this year, came to these provinces, by land from Boston, (where he had arrived from London) Sheck Scidit, a native of Berytus, in Syria, (about 60 miles north of Jerusalem.) He was said to be prince of Syria; but the credentials he produced under the sign manual and privy signet, called him Unus ex nobilibus civitatis Berytus; having letters of safe passport, and recommendation so the charity of those where he past.

17374

He was reported to have suffered much for his religion in his own country, being by profession a member of the eastern church, tho situate under the Mahometan or Turkish government, and a tributary prince of that empire: His pretence was,

That a greater quota of foldiers was exacted from him than he was able to furnish, having other tribute to pay, and his country, by several years distress from locusts, and blasts of other kind, so impovershed, that both quota and tribute could not be collected; That the grand fegnior taking umbrage at this, fent for his head; of which he, by means of the Czarian ambasfador, having received private intelligence, fled to the Czarina's court; That in the mean time his country was feized, and his wife and children kept prisoners: while there, the Czarina gave him expectations, that in her treaty with the Turks, she would take care and provide for him when peace was made; That after some stay at the Russian court, he obtained letters recommendatory to their ambaffador at London; and being by his means, taken notice of, he obtained the credentials aforesaid, with which he travelled through most of the corporations in England, where it was thought he collected two thirds or three fourths of what was due from him to the grand fegnior; but was nevertheless encouraged to come to America, where he also received considerable.

Contributions were made for him in New-York and New-Jersey; he was every where received with distinguished respect; it was said, he received from the different congregations in and about Philadelphia, two hundred and fifty pounds.

He was a well proportioned lusty man, with a grave aspect, and cloathed after the eastern manner, with a turbant on his head, and wore whiskers, spoke and wrote the arabick language; his conversation and deportment

### OF NEW-JERSEY.

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deportment was graceful and easy, and seemed to be speak him of a noble education, A. D.

At Philadelphia he met with a handsome entertainment, his expences were borne while he stayed, and provision was made for him in the vessel he went.

The 7th of December, this year, at night, was a large shock of an earthquake, accompanied with a remarkable rumbling noise; people waked in their beds, the doors slew open, bricks fell from the chimnies; the consternation was serious, but happily no great damage ensued,

In this year died Robert Lettice Hooper, Esq; chief justice of New-Jersey; in which post he had continued many years with a good character,

In the spring this year, died at Trenton, Daniel Coxe, Esq; one of the justices of the supreme court: He was son of the great proprietor and governor dr. Coxe, of London: He had gone through several other publick offices in New-Jersey, to which, from his sather's character and instruce, he came with great advantages: His differences with governor Hunter, and the assembly, and the share he had in the publick transactions, being all occasionally related before, tenders further addition here unnecessary.

About the 22d of the month called February, appeared to these provinces, in the east, and continued upwards of six weeks, a comet or blazing star, with a long bright tail; it was supposed to be near the equinoctial at its first appearance, but moved sive degrees near north, in twenty-four hours, and continued moving till it disappeared; towards the last it was very much encreased in length of tail and bigness.

1738.

1739.

1741.

In

A. D. 1746,

In the spring this year, died Lewis Morris, Esq. governor of New-Jersey: To our relief, we find his character in great part already drawn, by an able hand, to whom we have before been obliged : He was a man of letters, and tho' a little whimfical in his temper, was grave in his manners, and of penetrating parts; being excessively fond of the society of men of fense and reading: He was never wearied at a fitting, till the spirits of the whole company were diffipated. From his infancy he had lived in a manner · best adapted to teach him the nature of man, and to fortify his mind for the viciffitudes of life: He very early lost both his father and mother, and fell under the patronage of his uncle: Being a boy of strong passions, he gave frequent offence to his uncle, and on one of these occasions, through fear of his refentment, strolled away into Virginia, and thence to Jamaica, in the West-Indies; where to support himself, he fet up for a scrivener: After several years spent in this vagabond life, he returned again to his uncle, who received the young prodigal with joy. In New-Ierfey, he fignalized himfelf in the fervice both of the proprietors and the affembly; the latter employed him to draw up their complaint against my lord Cornbury, and he was made the bearer of it to the queen: Tho' he was indolent in the management of his private affairs, yet through the love of power, he was always bufy in matters of a political nature; and no man in the colony equalled him in the knowledge of the law, and the arts of intrigue. He was one of the council of New-Jersey, and a judge of the supreme Upon the furrender of the governcourt in 1692. ment to queen Anne, in 1702, he was named to be governor of that colony, but the appointment was changed in favour of lord Cornbury, the queen's coufin.

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w. History of New-York, p. 125, 126.

He was several years chief justice of New-York, and a member of affembly there; in whatever post he is named, activity must be supposed; for he was among the foremost on all occasions; he was the second councellor for New-Jersey, named in lord Cornbury's infructions; suspended by him in 1704; restored by the queen, and fuspended a second time in the same year; was chosen in the affembly here in 1707, re-appointed of the Council in 1708; suspended by the lieutenant governor Ingoldfby in 1709; appointed again in 1710, and so continued till 1738, when he succeeded Cosby as governor of New-Jersey, separate from New-York: The proceedings during his administration in this capacity, will be found the labour of many pages; but too voluminous to have justice done them in an abridgement here; his favourite monopoly of doubts and disputation, however amusing in mechanical and metaphylical subtilties, but illy agreed with the dispatch and management necessary in a publick station; accordingly the whole transactions of that period are chequered with great variety of debates, some of them curious; qualified to hold up a lide from long experience, no argument he thought proper to espouse, was to be yielded, unless mathematically wrong; in this but few apparent convictions attended, either for want of candour in acknowledging, or antagonists sufficiently skilled in the science: Had those who managed the controversy against him, found patience enough to have let his own arguments gone to their proper lengths, they had probably fometimes gained their points, and faved themselves great fatigue in attendance, and the expence it often occafioned; but having a truft, they opposed, refused, and disputed his measures; he replied, rejoined, and demurred, and kept them in unmanly suspence and attendancies for months together, with scarce a prospect

A. D. 1746.

or means of accommodation; and yet nothing but that to do; frequent formal angry diffoliations enfued, in which nothing was gained but increasing firmness in the points contested, and a popular turn against the government. In this uncertainty things were left at his death, and restored to their original footing in the next administration: But whatever were his faults; it must be remembered, that the province owed much to his early patriotism and abilities; scarce an instance of inordinate love of money is to be found in his private conduct; he inherited a large estate from his uncle, and appeared moderate in adding to it : He was besides in his way, a kind hufband, and indeed had uncommon cause to be fo; an affectionate parent; had the fatisfaction of a promifing offspring, and lived to fee most of them married: The following are extracts from the fingular preamble of his will:

'IN THE NAME OF GOD AMEN : God's will be done;

but what I will or defire should be done after my decease, and how I would have what estate God has been pleased to bless me with, disposed of, is contained in what follows: But before I give any directions concerning the disposition of my body or estate, I think it my duty to leave the following testimonial of my fense of the goodness of God to me, in protecting and wonderfully preserving of me, from my infancy to this present time, now in an advanced age. My mother died when I was about fix months old, and my father not long after, in New-York, where I was left an orphan, entirely in the hands of ftrangers, who were appointed by the government to take care of me. Sometime after that, the Dutch took the place, and I was put by their magistrates into the hands of trustees, by them appointed to take care of e me, and of what effects their foldiers had left unplundered; and after the furrender of New-York to the English, my uncle came into these parts of America and kindly took care of me until I came to man's eftate;

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leftate; and he then dying, what he had fell into my hands, being his fole and only heir. He had made 'a will, in which were found feveral material interlinations and erafures; which will, when exhibited before the governor and council of New-York to be proved, of fix fubicribing witnesses to the faid will, only two of them could make oath in due form of law; and they knew nothing of those erasures and interlinations; and one William Bickley, a quaker, who wrote the will, faid, that he wrote the will, and made them; but knew not why they were made. My uncle by that will having bequeathed his plantation over-'against the town of Haerlem, to his wife; but for what 'estate, did not appear; the words being scratched or 'erased out so as not to be read, and instead of what was 'so erased, there was after the words, Mary Morris, '(which was the name of his widow) these words, viz. (ber beires and affignes forever, the lands thereof) interlined. The widow died about a week after her husband, (the will having been in her and Bickley's keeping all that time) and after, or about the time of her death, I was told of this erasure by Miles Forster, one of the executors in the will named. This will was dated the 12th of February, 1690, but a little before my uncle's death, and exhibited for proof the 15th of May following, a which time the erafure, and reason for making of it, must have been fresh in the memory of the writer, who declared he knew of it; and must have been fresh in the memory of the witnesses, had any fuch thing been shewn unto them. That Bickley should know of, and make this erasure and interlination, and not know or remember the reason of making it in fo short a time after it was done, appeared strange to all present; and most were of opinion, that the words erased out, were of different import from those interlined, or there had been no necessity for making theerasure and interlination; but as the writer of the will, either could not, or would not tell for what end they were made, tho' it appeared to be done with intent to vest an estate in fee simple in the widow, which

A D.

which it is probable the words erased did not do and only two witnesses being able to make oath in due form, and these not knowing any thing concerning it; administration was committed to me, with the testament annexed; and I have fince purchased releases from the heirs and legatees of the widow, and have been in quiet possession above fifty three years. Thus, by the fole goodness of almighty God, my benign creator, the deligns against me were rendered ineffectual, without any contrivance or act of my own. Whether my uncle was perfuaded, or really intended to give that estate to his wife and her heirs; or whether he had given it to her for life, and fo intended, and the words interlined were done after his death, or if he did intend to give it her in fee, and the writer had not made use of proper words for that purpose (tho he had done it in every other case where an estate was e given to me in fee) and discovered it to my uncle and made the alteration during his life, and by his consent; or discovered them after his death, and then " made the erasure and interlination; is what I know onothing of, and what the writer of the will either could not or would not fay any thing about; but it is evident on the face of the will, that every bequest to me, either of lands or chattels, even of my mother's e jewels, and what in the will was mentioned to belong to her, and did only belong to me, was given (as the writer of the will called it) with restriction and limitation (meaning as I suppose with this condition) that ! fhould fubmit myfelf wholly and abfolutely to every thing contained in that will; and it was therein deter-'mined, that if I, or any body claiming under me, fhould under pretence of right from my father, whether by partnership with my uncle or otherwise, make any claim or demand of the eftate left by my uncle, or any part of it; that in such case the bequests to me were to be void. The drawer of that will had purchased and read (with all the judgment he had) a book, entited Orphan's Legacy, in order to qualify him for that \* performance; and so apprehensive was the contriver of contrivers.

1746,

contrivers of that will of my making fuch claim, and that the law might determine in my favour; that by a clause in that will it was directed, that if any doubt or controverly should arise, by reason of imperfection, defect, or any other cause whatsoever, of, or in any words, clauses and sentences in his last will and reftament, or about the true intent and meaning thereof; that in fuch case, his executors, or any three of them, should expound, explain, interpret, and finally decide the fame, according to their wildoms and diferetions. There had been articles of sagreement and partnership entered into between my uncle and my father, and executed by both the parties; in which amongst other things, it was covenanted and agreed between them, that if either of them died without iffue, the furvivor, or iffue of the fur-'vivor (if any) should take the estate. Upon the death of my father, that part of the agreement executed by my uncle, with other my father's papers, came into the hands of my uncle, and upon his death into Bickley's (as I suppose) who kept the keys of his fcruitore: That part of the agreement executed by my father, I had feen often, and it came into my hands; but that part executed by my uncle, was made away with; who destroyed it, I can't fay; but believe my uncle was too just a man to do any thing of that nature. It appears from all this, that there was a delign formed to deprive me of the greatest part of the estate my uncle died possessed of, and that this delign was defeated. That this might be accounted for from natural and obvious causes, such as the erasure of the will and the like, may be; but what confounded the understanding of the writer so as to make the erasure in that particular place, and in the manner he did, and to pretend not to be able in fo fhort atime after it was done, to give any account why it was done, I attribute only to the over-ruling providence of the Almighty, who has wonderfully protected and preferved me hitherto; and I doubt not will continue his goodness to me till he thinks fit to

A. D. 1746.

call me hence, the' I am unworthy of the leaft of his favours. I now proceed to directions concerning the disposal of my body and estate; and first, I will, that my body shall be buried by the bodies of my uncle and my children that lie at Morrisania, if it can be conveniently done. I would be buried in a plain coffin of black walnut, cedar, or mahogany, without covering or lining with cloth, or any other material of linnen, woollen, or filk; my age and the time of my death may be put upon it in such manner as my executors shall think fit: I forbid any rings or scarn to be given at my funeral, or any man to be paid for preaching a funeral fermion over me: Those who furvive me, will commend or blame my conduct in life as they think fit, and I am not for paying of any man for doing of either; but if any man, whether churchman or diffenter, in or not in priest's order, is inclined to fay any thing on that occasion, he may, if my executors think fit to admit him to do it. I would not have any mourning worn for me by any of my descendants; for I shall die in a good old age; and when the divine providence calls me hence; I die when I should die, and no relation of mineought to mourn because I do so; but may perhaps mounto pay the shop keeper for his goods, should they comply with (what I think) the common folly of fuchan expence. I will, (if it be not done before my death) that a vault of stone be built at or nigh the place at Morrifania, where my good uncle lies buried; and that the remains of my relations lying there, be collected and put into coffins in it; and my executors may get a tomb stone for me if they think fit .---What the state of the dead is, I know not; but believe it to be fuch as is most suitable for them, and that their condition and state of existence after death, will be such as will fully shew the wisdom, justice, and goodness of their great creator to them. As to what estate it has pleased God to entrust and bles me with, I will and dispose of it as follows: First, will as the law wills, that all my debts and funeral charges be justly paid and discharged, &c.

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In this year died Joseph Cooper: He was at eight successive elections chosen to represent Gloucester county in assembly, and continued in that station 19 years; he had steady principles, and a nobility of disposition and fortitude, superior to many: At one of the tedious sessions, in Col. Morris's time, when contrariety of sentiments had long impeded business, that governor calculate meeting him in the street, said, 'Cooper, I wish you would go home, and send your wife.' I will, says he, if the governor will do the same by 'his:' An anecdote deservedly expressive as to those good women.

In the fummer this year, three natives of Greenland, passed through the province, dressed in seal-skins, with the hair on after the manner of their own country; they were two young men and a young woman, converted to the christian religion by the moravian missionaries: They had left Greenland about two years before, in a Moravian ship (which had carried a house ready framed, for worthip, to be erected there, that country affording no wood for building) and had fince visited the brethren in several parts of Europe; as England, Holland, and Germany: Their eyes and hair were black, like the Indians here; but their complexion somewhat lighter: Two Indian converts from the moravian mission, at Barbice, near Surrinam, were allo with them: They together went to the Moravian lettlement at Bethlehem, in Pennsylvania; there they met with some Delaware and Mohickon Indians; converts also of the Moravians; and tho' their native lands are so vastly remote as the latitude of 5, 41, and 65 north; yet what they observed of each other's hair, eyes, and complection, convinced them that they were all of the fame race; they could find however, no fimilitude in their feveral languages.

450 A.D.

3751.

The 9th of November died, in the 52d year of his age, Richard Smith: He represented Burlington in affembly near twenty years, through a great variety of difficult business: He maintained a fair reputation, was instrumental in proturing confiderable provincial benefits; and hence acquired the love of many, who had no opportunities of knowing him, but in a publick character. He was good and even in his temper, impartial and confcientious in the discharge of his duty, kind and careful in every paternal relation, and generous in both sentiment and conduct.

The 18th of November, at four o'clock in the morning, was a confiderable shock of an earthquake, which lasted about two minutes; the weather for several days successively before, had been remarkably clear and still, and all that night was so, with a clear full moon-shine; the two days following, continued also very still and clear, not a cloud to be seen, till towards evening of the second day after it happened: It did not begin with so much of a rumbling noise as that in 1737 but was thought not to fall short in the concussion.

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ander, Esq; where he had long borne the office of provincial secretary, and afterwards many years one of the council. He was also long surveyor general of both East and West-Jersey, and several years of the council in New-Jersey. He was bred to the law, and the second in New-Jersey. He was bred to the law, and the second in New-Jersey. He was bred to the law, and the second in New-Jersey. He was bred to the law, and the second in New-Jersey. He was bred to the law, and the second in New-Jersey. He was bred to the law, and the second in New-Jersey. He was bred to the law, and the second in New-Jersey. He was bred to the law, and the second in New-Jersey. He was bred to the law, and the second in New-Jersey. With his knowledge he was a council successful to the second in the se

A.D.

In this year died, in the feventy-fixth year of his age, Jonathan Belcher, Efq. governor of New Jersey: In this station he arrived in 1747. He was a native of New-England, and in his youth falling heir to great equifitions, got early upon the wing, in the gay world ; shandsome exteriour, a fondness for it, and for dress, quipage, and popular, eclat, infentibly betrayed him into a scence of show and expence, which at length proved inconvenient to his patrimony; with this turn hetravelled, kept the first rate entertainments and company, and received marks of diftinguished notice and respect in the electorate of Haover. w. He went over agent for the Maffachufetts Bay, on the long contest with governor Burnet, on the subject of an indefinite support; on his death came over governor of that colony, and long infifted on the same demands his predecessor had done, and with the fame fucces: He continued governor there for a confiderable time, and had great opportuniis of indulging his favourite tafte; but carrying a high hand in the administration, disgusted men of influence; and at one time putting a negative on feveral councellors, occasioned so many voices to unite in their applications against him, that he was removed from his government.

w. Prince, in the dedication to him, of his chronology, fpeaks

Of this in the following firain:

'Upon this occasion his excellency will forgive me, if for the thonour of his country, as well as for his own; we bould of one among us, who inspired with need for the succession of that illustrious house, even in the joys of youth, twice brake away, viz. in 1704 and 1708, and passed a double ocean; that he might with inpure see, and in his country's name, express the ardour of their was to that most important family; in which under Heaven, all the welfare of three mighty nations, and even of all the protestant states and kingdoms in the world, as well as the liberty, religion and selicity of these colonies and provinces were involved. A celebrated instance peculiar to himself alone, that I presume no other American can present to: and for the fatione and pains. I other American can pretend to; and for the fatigue and pains, I suppose no other subject of the whole British empire; which redounds to the glory of the land that bred him, that parted with him, and received him with applause; and the happy consequence whereof, at the head of his country, he now enjoys.

A. D. government. Here he witneffed a reverse of fortune, 1757 . being obliged to wait at a great expence feveral years before an opportunity presented of getting again into office; at length the government of New-Jersey falling vacant, early notice, properly used, procured him that: He was now advanced in age, yet lively, diligent in his station, and circumspect in his conduct, religious, generous and affable: He affected splendour, at least equal to his rank and fortune; but was a man of worth and honour; and tho' in his last years, under great debility of body from a stroke of the pally, he bore up with firmness and resignation, and went through the business of the government in the most difficult part of the late war, with unremitting zeal in the duties of his office.

In this year died Andrew Johnston, esq; aged 67:
He succeeded his father in representing Amboy in assembly, and was speaker several years; long one of the treasurers: The last 15 years of his life he was in the council, and a diligent attender on the business there; he had great equality of temper, circumspection of conduct, an open, yet grave engaging mein, much goodness of heart, and many virtues both publick and private.

The 30th of October, between four and five in the afternoon, was a very confiderable shock of an earth-quake; which directed its course to the eastward.

In the beginning of this year died Robert Hunter

1764. Morris, Esq; He was near twenty-six years one of the
council, and chief justice of New-Jersey, and some
time lieutenant governor of Pennsylvania: He had
strong natural powers, an elevated quickness of apprehension, a memory tenacious, read much, and was
uncommonly furnished in conversation on most subjects;

1764.

ichs; he gloried in the rational privilege of free difquifition; in his motives to action, didain'd to refemble the floating log .. that went with the tide; yet the other extream had a fnare of too delicate concealment to be always avoided: He came young into the office of chief justice, stuck to punctuality in the forms of the courts, reduced the pleadings to precision and method, and possessed the great qualities of his office, knowledge and integrity, in more perfection than had often been known in the colonies: Had no other stations engroffed his attention, his character had remained without dispute, more light than shade; inheriting from his father, or imbibing a turn at starting more difficulties, than himself or others could easily folve, introduced debate, in which often appeared a feemingly constitutional delight; but being brought up under the tuition of an excellent mother, the bias here was qualified in part, with the advantages of this, the father's experience, and much of his own, in variety of lituations: He had a liberal education, a comely respectable person, easy address, smooth flow of words, a commanding influence in his manner, and was a warm friend, but formidable enemy, not partial or oppressive as a judge, in feveral private relations generous and manly, in none avaritious, in fome inconfiderate, in many his own original or his father's copy, often fingular, fometimes whimfical, always opinionated, and mostly inflexible.

The 20th of the month called July, at about 40 minutes past seven in the evening, an uncommon ball of fire was feen in the north-east, about fifty degrees above the horizon; it took its course near north-west; its diameter fremed as large or larger than the fun, especially at one time, when it opened so as to seemingly

separate.

<sup>\*.</sup> He was apt to apply this expression in contrast to a sentimental choice.

J. See page 427, &c.

A. D. 1764. feparate: It appeared like sheets of fire inclining together; its sound as it went in some places, was faid to resemble that of a great fire urged by a strong wind; it kept near one height all the way, till it had crossed the meridian to the north about twenty degrees; there a small cloud seemed to attract it; mounting higher, just as it approached the outward edge of the cloud, it appeared to shatter into innumerable pieces.

## CHAP. XXIII.

The present state of Indian affairs in New-Jersey.

TO the accounts before given respecting the Indians, we now add other particulars, as far as New-Jersey hath been concerned.

For nigh a century, such of them as were natives of that province, had all along maintained an intercourse of great cordiality and friendship with the inhabitants, being interspersed among them, and frequently receiving meat at their houses, and other marks of good will and esteem: When the troubles broke out among the back Indians, it was observed, that some who had usually resided there, were missing, and supposed to have retired among them.

In the year 1758, for a confiderable time after the first hostilities had commenced in Pennsylvania, the family of Nicholas Cole, in Walpack, nigh the frontier of New-Jersey, were at two in the afternoon unexpectedly attacked, and most of them murdered and carried off; this, and a few other murders alarmed the province, as it was not known or supposed they had any complaint against it.2.

z. They had, to one of the messengers sent from Pennsylvania, complained of the death of the sachem Weequehelah; but this

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The legislature appointed commissioners to examine into the treatment the Indians had received; they first met them at Croffwicks, in the winter 1756, and heard what they had then to alledge as grievances, and promifed to lay them before the legislature; which they did at a festion in 1757; when an aft passed to remedy them, by laying a penalty upon persons selling frong drink, fo as to intoxicate them, and declaring all Indian fales or pawns for drink, void; that the person of no Indian should be imprisoned for debt, and that no traps larger than to weigh three pounds and shalf should be set, &c. and making all sales of lands or leases void, not obtained according to the direction of the act. 4.

They afterwards, by another act, gave the commiffioners power to appropriate fixteen hundred pounds. in purchasing a general release of Indian claims to New-Jersey; one half to be laid out in a fettlement for the Indians reliding in the province to the fouth of Rariton river, whereon they might relide, raile the necessary subsistence, and have always in view the confideration they had received for the remainder of their the bed of a semiliar only of lands

was looked upon as meer pretence to colour their attempts with the appearance of justice; as that Indian was known to have been execated for actual murder, and to have had a legal trial: The fact was, he was an Indian of great note and account both among Christians and Indians, of the tribe that refided about South-river, where he lived with a tafte much above the common rank of Indi having an extensive farm, cattle, horses and negroes, and raised large crops of wheat, and was fo far English in his furniture as to have a house well provided with feather beds, calico curtains, &c. He frequently dined with governors and great men, and behaved well; but his neighbour, captain John Leonard, having purchased a cedar swamp of other Indians, to which he laid claim, and Leonard refusing to take it on his right, he resented it highly, and threatned that he would shoot him; which he accordingly took an opportunity of opportunity of doing in the spring 1728, while Leonard was in the day time walking in his garden or near his own house, as South-river aforesaid.

a. Vide vol. 2 of laws, pa. 127.

lands; the other half was to be applied to purchase any latent claims among the back Indians not resident in the province.

The commissioners accordingly procured a second conferences with the first mentioned; which was held at Crosswicks in the second month (February) 1758.

They first reminded them, that they had above a year fince informed them, that the diforders committed in the back parts of Pennsylvania and this colony, had not leffened the regard they entertained for their friends the Indians, who in this time of trial lived peaceably and quietly among the inhabitants; and affured them of the governor's protection; that they had then defir'd they would make known any burthen that lay upon their minds; that the Indians then fignifying some abuses they were subject to by private sales made by fome of their own people, and the inconveniencies, they had fuffered from fetting iron traps for deer, being cheated of their goods when in drink, and that they thought they had ftill a right to fome pieces of land, which they had not fold; that in confequence of thefe demands, they, the commissioners, had faithfully reported to the legislature, who had passed a law to, prevent all future abuses of that kind; and that they were now impowered fully to hear the particulars of

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a. The commissioners were, Andrew Johnston and Richard Saltz, esquires, of the council, and Charles Read, John Stevens, William Foster and Jacob Spicer, esquires. The Indians were, Teedyescunk, king of the Delawares. George Hopayock, from the Susquehanah. Crosswick Indians, Andrew Wooley, George Wheelwright, Peepy, Joseph Cuish, William Loulax, Gabriel Mind, Zeb. Conchee, Bill News, John Pembolus. Monntain Indian, Moses Totamy, Philip. Rariton Indian, Tom Evans. Anoma Indians, Robert Kekott, Jacob Mullis, Samuel Gosling. Indian from Cranbury, Thomas Store, Stephen Calvin, John Pomphirt, Benjamin Claus, Joseph Wooley, Josiah Store, Isaac Still, Jane Calvin; Peter Calvin, Dirick Quaquay, Ebenezar Wooley, Sara Stores widow of Quaquahela. Southern Indians, Abraham Loque, Isaac Swanelae. John Pompshire, interpreter.

any claims they had to lands in the colony, which was determined to do them first justice: The Indiana informed the commissioners, that the lands they daimed, could not be by them described by lines, very intelligible to perfons not on the foot, as they went to hollows, and small brooks, which had no certain names; but that they had described them as well s they could t And then they delivered lifts of the tracts they efteemed unpurchased, as follows: No. 1, A power of attorney from Capoofe and Telaman, to Moles Totamy, dated the 30th of January, 1743-4. for lands on the fouth and fouthwest side of the fouth branch of Rariton, joining thereto; as explained by the faid power. No. 2. A paper declaring the lands from the half way from the mouth of Metercunk, to Tom's river, from the fea to the heads of the rivers, belong to capt. John, Totamy Willockwis; and from John Eaftel's to Hockanescunk, on Grofswicks then on a strait course to Mount-Holly, and so up Ranchoas creek, to the head; and from thence to the heads of Wifteconk creek, and along the faid creek to Jarvis Farrow's Mill, and fo to the fea. Rompfbire and Suppen Calvin, fay, they are concerned in the tract, No. 3. A power of attorney to Totamy, and capt. John, dated the 21st of February, 1742, from Tawlynemun, Tobokenum, Gooteleck, to fell lands on Egg-Harbour, between Mount-Holly and Crosswicks.

They have a tract of land beginning at the Old-Ford, by John Fowler's; then on a line to Dollor's creek above, but in fight of Allen-Town; then up the creek to the lower end of Inlay's town; then on a line to Crosswicks creek, by Duke Horseman's; then along the said Creek to the place of beginning. Teedy-scunk and Totany are concerned in the above lands; then they said, that from the Mouth of Squan, to No. 2. belongs to Sarab Store, to whom it was given by her

A. D. her husband, to the heads of the branches, and so. 1758. across from one branch to the other.

Tom Store and Andrew Wooley, claim a tract between Cranbury and Devil's Brook, possessed by Josiah Davifor's fons, that has two new houses built thereon, in which is included the whole tract of the late prefident Hamilton, and also Mr. Alexander's surveys, where Thomas Souden lives; he has fold part of this tract to Hellinhead, where M'Gee lives; also has fold some to Josiah Davison, to Doore Marlet, John Wetberill, and James Wilson: He claims lands from Cranbury brook, to the cross roads, lying on the right hand of the road, and is claimed by William Pidgeon; James Wall and John Story lives upon one corner of it; also a piece upon Pompton river, the livers upon it he knows not; it lies in one piece, and is the fame that Mr. Woodruff and company, were about purchasing of him.

They also claim from the mouth of Squan, to the mouth of Shrewsbury river, by the streams of each, to their heads, and across from one head to the other.

Also Vanot's place, on the west side of Squar river.

Also a piece at Topanemus bridge: In this piece Ba

Claus is concerned.

Tom Store and Andrew Wooley, also claim a piece on the north side of South River. Polly Ritchies place.

Also a piece between Allen-Town and Millson brook, where Hockan Gapes used to live, joining on the east side of the post road to Amboy; part of Dunstar's tract.

Alfo, Vanse's place, joining to Millsone brook, on Amboy road; part of Fullerton's tract.

Also a swamp near Gawen Watson's place, belonging to the Johnston's family, and the Furmans.

Harbour river, to the head branches thereof, on the

tall fide; fo to the road that leads to Great Egg-Harbour; fo along the road to the fea fide, except Tickabor, and the Summer's, Section, and Skall's places, and

Robert Kecott, claims in Piles grove, the places whereon John Maybue's fons live.

Also the township of Derfield, in the county of Cumberland, where the prefbyterian meeting house fands, and the me calculation swifteness only to each

Also the tracts of James Walfe, Joseph Petk, and Stephen Chefapte doutes and sind sevels ail ne beleute

Jacob Mullis claims the pine lands, on Edge Pillouk Branch, and Gofben Neck Branch, where Benjamis Springer and George Marpole's mills francis; and all the land between the head branches of those creeks to where the waters join or meeting and seimi a sil

Abraham Loques claims the Cedar-Swamp, on the east fide, Tuckaboe Branch, which John Compion and Peter Campbell have, or had in possession. have been

Alfo Stuppfon's island, near Delaware river. Tom Store claims 30 acres adjoining Richard Parks, wheelwright in Middle fex county.

Teedyescunk claims a tract in Hunterdon, called Nebannock, beginning at Philip Ringoe's house, which flands near a corner of it; and fo along the road that leads from thence to Brunswick, as far as Nesbannock creek; thence up the fame to George Hatten's; thence on a strait course to Petit's place, and so on to a hill called Paatquacktung; thence in a strait line to the place of beginning; which tract was referved at the fale, and marked out by Waubaway, who is alive.

The Indians in general, claim their fettlements near Cranbury, on Menolapan river, in Falkner's tract, whereon many of the Indians now live.

And also a few acres below the plantation of Robert Pearsons, on the north side of Crosswicks creek.

Having

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A.D. 1758,

Having delivered thefe claims to the commissioner the Indians present executed a power of attorney, appointing Tom Store, Moles Totami, Stephen Calvin, Ifaac Still, and John Pompshire, or the major part of them, to transact all future business with the government, respecting lands; and then they releated all claims for themselves, and their heirs, to the proprietors of the respective divisions, and the purchasers under them; to all the lands in New-Jerfey, not included in the above lift; and to fuch of these likewise, as could be proved to be conveyed by deed from the Indian inhabitants, except the claims of the Minifink and Pompton Indians, on the northern parts, which power was acknowledged by all the parties, before John Imlay, Efq; one of the judges of Burlington county, in order to be first recorded, and then delivered to the Indian attornies

Teedyescunk, the next day told the commissioners that he was very well pleafed with what was done, and efteemed the methods concluded on to be just and equitable; and to this all the Indians gave their affent.

Thus things refted, tilf the latter part of the fummer; when governor Bernard procured a treaty with feveral of the back Indians, by means of the following message:

'To Teedyescung, king of the Delaware Indians;

by Moses Tetamy and Isaac Stille, messengers

deputed by me : Greeting.

I was furprifed, on my arrival here with his ma-' jefty's royal commission as governor of this his province, to find that invafions have been lately made on the inhabitants of this colony, and much blood flied

by Indians, supposed to be those of Minisink or Pompton, who have refided within this colony, and

have fometime fince withdrawn themselves; and as I have no knowledge of any reason they, or any of

· them

them, have, for being discontented, or offering violence to the Inhabitants of his majesty's colony under 'my government; and no publick complaints have been made by the Indians of Minisink or Pompton; formerly inhabitants of this colony, at any of the conferences held between the commissioners of Newlersey, and the Indian inhabitants of the fame; to prevent any further hostilities, I hereby fend you this power, to go to the Indians of Minisink and Pompton; formerly inhabitants of this colony; and in my name, to defire them to defift from hostilities, and kindly to invite them to a conference with this colony; and to 'affure them they shall be received in the most friendly manner, and every endeavour shall be used to establish and confirm a friendship between the subjects of our great king George, our common father, and them, as a thing of the greatest use. You are to enforce the natural affection between us and them, and how much it is for their interest to be at peace with a people, who have the means of making them happy and easy, and have, by the bleffing of providence, provisions, and every necessary of life in plenty, sufficient to supply their friends in diffress.

As I have named a time, most convenient for them to be down here, it would give me pleasure to see them then: But if unavoidable accidenta should put it out of their power to attend at that time; I have left the time and place to themselves, so that it be in my government; and that they come by Fort Allen, and enter New-Jersey, below the falls at Trenton, and send an account of their arrival, that I may appoint persons to receive and conduct them to me. I prescribe this path, because the people above, who have lost their friends and relations, are so instamed, as to render it unsafe for them to enter this colony above Trenton.

'If you cannot go to the places of residence of the Minisink and Pompton Indians, you are (or in case of your death or absence, that Moses Tetamy and Isaac Still are) empowered to employ two good

A.D. 1758. and faithful meffengers, to find our the chief place of the residence of these Indians, and to deliver to them the message from me, with the belt and four ftrings of wampum, and the fafe conduct and flag given you herewith; and you are defired to report to me your proceedings herein, with all convenient fpeed.' Given under my hand and feat at arms. the 25th day of June, in the thirty-second year of his majesty's reign.

By his excellency Francis Bernard, Efg. captain general governor and commander in chief of the colony of New

Jersey, &c.

Brethren, the Minifink, or Munfy Indians, and

those of Pompton:

'It is with great pain I am to tell you, that fome Indians have invaded our province on the upper parts of the Delaware, and fled much blood, and that you are suspected to be concerned in it. A fring

Brethren,

If you have been instigated to this by the false suggestions of our enemies, the French, we pity you for these proceedings, if not immediately prevented must cause a discord between us, which though may be greatly hurtful to our people, must in the A ftring, end entirely ruin yours,

Brethren, and the The throne of the great king is founded on justice and therefore if you had received any injury from any of his people living within our province, you " should have made your complaints to me, who an ordered to do justice to all men, and I would have heard you with open ears, and given you full fatil control on Manual Will the A firing. faction.

Brethren, a was who a real party of the contract If therefore you have any anger boiling in you breafts, I, by this belt, invite you to Burlington, it five weeks, at which time our great council will b sogether; there to unburthen your minds, and roo 6 out

take too deep a root. And I will kindle a council fire, and bury all the blood, that has ftain'd our ground, deep in the earth, and make a new chain of peace, that may bind us and our children, and you and your children, in everlasting bonds of love, that we may live together as brethren, under the protection of the great king, our common father.

A belt.

Brethren,

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If these words shall please you, and you should schoole that we should be your friends rather than your enemies, let all hostilities immediately cease, and receive this passport, and go to fort Allen; from whence you shall be conducted to Bristol, where you will find deputies, who will take you by the hand and lead you to me at Burlington: But if the time and place I have mentioned, be inconvenient to you, I shall be ready to receive you in this government when you can more agreeably to yourselves, attend. A string.

At a conference held at Burlington, on monday, August 7, 1758.

#### PRESENT,

His excellency Francis Bernard, Efq; governor.

The honourable James Hude, Andrew Johnston, Peter Kemble, Richard Saltar, Lewis M. Ashfield, Samuel Woodruff, esquires, of his majesty's council.

Charles Read, John Stevens, William Foster,

Esqrs, commissioners for Indian affairs.

Indians. Otawopass, or Benjamin, Coallins, or Goatshank, messengers from the Minisink or Munsey Indians. Apewyet, or John Hudson, a Cayugan, Samuel, a Delaware Indian, messengers from the Mingoians. Taudakass, a Delaware Indian, who came with the Munsey Indians.

'John Pumpshire, interpreter. Moses Totamy,

Stephen Calvin, affiftants.

His excellency fat, holding four strings of wampum in his hand, and spoke to them as follows:

G g Brethren

Brethren,

As you are come from a long journey, through a wood full of briars: with this string I anoint your feet, and take away their foreness: With this string I wipe the sweat from your bodies: With this string I cleanse your eyes, ears and mouth, that you may see, hear and speak, clearly; and I particularly anoint your throat, that every word you say may have a free passage from your heart: And with this string I bid you heartily welcome.

Then delivered all the four strings.

'His excellency then informed them, that he should be ready to hear what they had to say, in answer to the message he had sent to their chiefs, as soon as would be convenient to them; when they informed him, they would be ready in the afternoon: And thanked his excellency, for using the customs of their fathers, in bidding them welcome.

Monday afternoon

# PRESENT,

As in the morning.

The Indians being informed, that the governor was ready to hear them, Benjamin, on behalf of the Munfey Indians, holding a belt in his hand, spoke sitting, not being allowed to stand till the Mingoian had spoke.

Brother,

At first when your messengers came to us at Assinske, twenty seven days since, our ancient people were glad to hear them, and our young men, women and children, rejoiced at the tidings. We know you are great and strong, and we took it kindly. All our friends and relations were in sorrow, and pitied the condition of the women and of the children, who are growing up. The kind words of our brethren the English, we sent to our uncles the Mingoians; and one of them is come down here to the place of our meeting, to be a witness of what passes between us. Then

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Then John Hudson, the Cayugan, abovementioned, food up, and spoke as follows:

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In confirmation of what has been said to you, I, who am the Mingoian, am, by this belt, to inform you, that the Munseys are women, and cannot hold treaties for themselves; therefore I am sent to inform you, that the invitation you gave the Munseys, is agreeable to us; and we have taken hold of your belt; and I desire you may write down my attending there; tho while I am here, I left my family in danger to being cut off by our enemies the French.

'Further, brother,

'I have told you your belt was agreeable, and 'received by us as an earnest of your friendship: But 'tho' we are glad of this opportunity of speaking with 'you, yet I am to inform you, that it is not agreeable 'to our chief men and councellors, to have a new 'council-fire kindled, or the old one removed to this 'fide of the river, from Pennsylvania, where it hath 'always been kept burning; the reason is this, we 'know the strength of the water, and that when the 'wind and tide is strong, it roars, that our people 'cannot hear: so that it is proper we should have the 'council-fire on the other side of the river nearer to us.

Brother,
I think this is

'I think this is a good reason why it should be so: For, though we should speak loud, the distant nations will not hear us, if the roaring waters are between us and them. We therefore hope, as the council-fire is kindled, and kept burning in the forks of Delaware, by the desire of all our nations we shall see our brother the governor there.

Brother,

You say you are a man of strength, and we believe you are. I am a man as well as you: I know of no nation stronger than you; and our chief men and old councellers are willing to meet you at the forks of Delaware, and to confirm our alliance, and brighten

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A. D. 1752. the chain of friendship more clear than it has hereto. This belt confirms what I have faid. fore been.

He then delivered the governor a belt, on one fide of which are three figures of men in black wampum, reprefenting the Shawanese, Delawares, and Mingoians, living on the Ohio; on the other fide, four figures representing the united councils of the fix nations, in their own country: By their being now joined in this belt, he declared it expressed their union. the western Indians having consulted their uncles, now joined in sending it, in pursuance of a belt of invitation fent them above a year fince, by George Croghan, on behalf of the English.

Then Benjamin, on behalf of the Munsies, stood up, and faid,

Brother,

Our ancient people, and chief men, are glad to hear of the kind disposition of the English. We believe you are wife and ftrong; and for the good of our wives and children, for whose protection we are concerned, that they may have fome good and lafting fettlement made for them to the latest posterity, in order to obtain it, we should be glad of the opportuinity, to fee all our brethren the English together. Our chief men, and old councellors, are making ready to come to the council-fire, in order to fettle all matters which have been the cause of uneafiness between us. We believe your professions are sincere, and that you will agree upon what is most for the good of both you and us; and we shall be ready to be advised by you, as we think you are wife. We are glad to have an opportunity of converling with you, without interruption, tho the fun is low: But we hope our and your ancient and wife men, will have the happiness of consulting freely together, for the good of one another, before it be dark; and that we shall meet one another with fincerity and truth, as we expect the bleffing from above to attend us F And therein.

A. D. 1758.

And I am directed to inform you, that the Indian nations will be next full moon after this, at the forks of Delaware, and will fend the governor word before hand, of the particular day they will be there, and of their nations and numbers: And so you may make it known to whom you think proper, that they may be prefent at our meeting.

'There are two nations besides the Munseys, parties

to this meffage.

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'The Senecas, whose chief man is Tageeskata, and 'lives at Mahahenfink.

'The Cayugas, whose chief man is Eshakanata.

'The chief man of the Munseys, is Egohohoun.

#### ' Tuesday, August 8, 1758. PRESENT.

His excellency the governor; the gentlemen of the 'council; the commissioners for Indian affairs; the 'Indians, and the interpreters; as yesterday.

'His excellency delivered the following answer to ' what the Indians faid yesterday:

Brethren.

'I am glad to hear, that our offers of peace and 'amity have been well received by your people, and that they are disposed to brighten the chain that heretofore had held us together, and to restore that brotherhood that had for many years subsisted between us. 'Of late a great darkness hath overshadowed the land, but we hope, that the fun is up that will disperse the clouds that have hindered us from feeing one another, 'and make all our future days bright and pleafant.

'We agree with you, that it would be best for us all to meet at the great-council-fire that is kindled on the forks of Delaware: It is on many accounts proper; 'and the particular circumstances of this province, make it most agreeable to us. We differ from the neighouring provinces in many things: We have bounds fet to our people, beyond which they neither can, nor defire to pass; they are content with the

cultivation.

cultivation of their lands, and feek not for extraor-1758. dinary gains, by following trade out of their own

country. 'As we have had little intercourse with your people, we can have little cause of contention with

them: The encroachments of unbounded fettlers, and the tricks of unfair traders, cannot be charged

on us. All we have to do, is to offer your people our

friendship; which, if you will sincerely and heartily accept of it, shall endure to you and your children,

as long as the fun shall shine, or the river on whole banks we meet shall flow.

Brethren.

'I speak the words of justice and benevolence, and not of fear. It is well known to many of you, that as our people are industrious and hardy, they are also bold and resolute: If they are attacked, they give fhot for shot, and blow for blow. But we should be forry that this their warlike spirit, should be turned against you our antient friends and brethrn: No; e let it be exerted against the French, who are the common enemies of us, of you, and of all people that would be free and independent.

Brethren,

What I speak to you, I speak to those that sent 'you; and fay to our brethren, that we are honest and fincere in our professions to them; and hope they will be so in what they profess to us. But as we have been ftruck, without having injured any one, we shall expect that they will give us a proof of their good intentions towards us, by bringing with them all the prisoners that have been taken from us. Those among you, who are husbands and fathers can best tell what our people must feel, who have had their wives and children torn from them. We also expect, that until we shall all meet at the great council fire, and these our mutual offers of peace and friendship fhall be brought to maturity, by a folemn and publick treaty, you will not fuffer your own people to commit hostilities against us, nor any others to pass by you, without giving us early notice, to prepare ourselves Brethren, against them.

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Brethren,
The great God, whom we serve, and who protects 1758.

fus, and gives us all the bleffings of life which we enjoy, hath commanded us to be just and benevolent to
all mankind. We are desirous to be so; and if we
can be affured, that your people will live on terms of
friendship with us, the lowest person among you shall
receive no hurt from our people, that we can prevent
for redress. Of this I will give your people further
affurance, when we meet at the council fire: In the
mean time, I consirm what I have said by these belts.

'His excellency then delivered one belt to John Hudfon, the Cayugan, and one to Benjamin, the Munfey.

The two foregoing treaties, opened the way for another to be held the October following, at Easton, in Pennsylvania; so much of this as concerns the purchase of the Indian claims to the province of New-Jersey, were as follow:

'At a conference held at the town of Easton, on the 'eighth day of October, 1758.

#### PRESENT.

'The honourable William Denny, Efq; lieut. governor.

'Lawrence Growdon, William Logan, Richard 'Peters, Lynford Lardner, Benjamin Chew, John 'Mifflin, esquires, members of the governor's council.

'Isaac Norris, Joseph Fox, Joseph Galloway, John 'Hughes, Daniel Roberdeau, Amos Strickland, esqrs. 'committee of the house of representatives.'

'Charles Read, Jacob Spicer, esquires, commissioners for Indian affairs, in the province of New-Jersey.

'A number of magistrates and freeholders of this and the neighbouring province, and of the citizens of the city of Philadelphia, chiefly of the people called Quakers.

'George Croghan, esquire, deputy agent for Indian affairs under Sir William Johnson.

· Indians

# THE HISTORY

Indians of feveral nations, viz.	
Mohawks: Nichas, or Karaghtadie, with one	
woman and two boys: In all	4
'Senecas: Tagashata, alias Takeaghsado, alias	his
Sigachsadon, chief man, with 7 other chiefs, 37	15.
other men, 28 women and children. In all	83
'Onondagas: Affaradonguas, with 9 men, 9	
women and children. In all	19
Oneidos: Segughfonyout, alias Thomas King,	
Anagaraghiry, Assany quou, with 3 warrior cap-	
tains, 6 warriors, and 33 women and children. Cayugas: Tokaaio, with 8 men, 11 women	45
and children.	20
'Tuscaroras: Nichaquantaquoah, alias Jona-	
than with 5 men, 12 women, and 1 children.	20
'Nanticokes: Robert White, alias Wolahocu-	
my, Pashdomokas, alias Charles, with 16 men,	201
20 women, and 18 children.	56
'Conoys: Kanakt, alias Last Night, with 9	
men, 10 women, and 1 child.	21
Tutelos: Cakanonekoanos, alias Big Arm,	
Affwagarat, with 6 men, and 3 women.	11
'Chogknots: Ten men, 20 women and children.	30
Chihohockies: alias Delawares, and Unamies:	
Teedyuscung, with divers men, women and	
children.	60
'Munsies or Minisinks: Egotchowen, with	
fundry men, women and children.	35
Mawhickons: Abraham, or Mammatuckan,	56
with feveral men, women, and children.	2-
Wawpings or Pomptons: Nimham, Aquay-	47
wochtu, with fundry men, women, and children.	11/
In all	507
Conrad Weiser, Esq; provincial Interpreter.	
Captain Henry Montour, interpreter in Six Na	tion
Captain Henry Montour, mespecial and	1

and Delaware languages.

Stephen Calvin, Isaac Stille, Moses Tetamy, Delaware Indians, interpreters in the Delaware language.

457 A.D.

At a conference held at Easton with the Indians, on the 11th of October, 1758. P. M.

1757

PRESENT.

Governor Denny, with his council, and the feveral Pennsylvania gentlemen, as before.

'The Indians, &c. as before:

'His excellency Francis Bernard, Esq; captain general and governor in chief of his majesty's province of New-Jersey.

'The honourable Andrew Johnston, Charles Read,
John Stevens, Jacob Spicer, William Foster, Esqrs,
commissioners of New-Jersey, for Indian affairs.

Tagashata, the Seneca chief, intending to speak first, on behalf of the Indians, had laid some belts and strings in order on the table.

'As foon as the company fat down, Teedyuscung holding out a string, said he had something to deliver, and desired he might be heard first of all. Mr. Croghan requested to know, if what he was going to say was the result of the Delaware council, and if it was their desire it should be spoke first; but no answer was given him as to this.

'Governor Bernard fignifying his defire to bid the Indians welcome, and just mention to them the business he came upon, it was agreed he should speak first; which he did as follows.

Brethren,

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Lam glad to see so many of you met together, to cultivate peace with your brethren and old friends the English. I heartily bid you welcome, and wish that the good work for which you are now assembled, may prosper in your hands, and have that success, which your wise men, and all that wish you well, must desire as a thing much to your advantage.

The fituation of the province over which I prefide, and the disposition of its people, have hitherto afforded very little occasion for treaties with the neighbouring

e neighbouring Indians; but having some months age fent a message to the Minisinks, I received a message

from our brethern the Senecas and Cayugas, wherein they take upon them to answer my message to the

Minifinks, and defire that I would meet them at the

council fire burning at this place.

It is not usual for the king's governors to go out of their provinces to attend treaties; but I am glad

to have an opportunity of shewing my good dispofition to establish peace and friendship with my neigh-

bours, and therefore I have waved all form, and am

come here according to the invitation I received at

Burlington.

1758,

'To you, therefore, our brethren the Senecas and Cayugas, and your nephews the Minisinks, I now fpeak, and defire that you would take into your most ferious confideration, my message to the Minisinks,

your message to me, and my answer thereto, and let

me know what we are to expect from you.

What is past we are willing to forget; but I must remind you, that if you are disposed to be our friends for the future, you should give us that proof of your fincerity, which I have defired in my answer to your

message, and return us the captives that have been

taken out of our province, and are now within your

power: This should be one of the first steps, and will

be the best that can be taken towards restoring and confirming that brotherly love and friendship between

us; which, I am convinced, will be for the mutual

benefit of all parties.

This was interpreted in the fix nations language, by mr. Weiser, and in the Delaware, by mr. Stephen Calvin, the Indian school-master in West-Jersey.

' Then Teedyuscung spoke,

Brethren.

I desire all of you who are present will give ear to me. As you, my brethren, defired me to call all the nations who live back; I have done fo. Now if you have any thing to fay to them, or they to you, Brethren, you must sit and talk together.

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Brethren.

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A. D. 1758.

I fit by, only to hear and see what you say to one another; for I have said what I have to say, to the governor of Pensylvannia, who sits here; he knows what has passed between us. I have made known to him the reasons why I struck him. Now I and the governor have made up these differences between him and me; and I think we have done it as far as we scan, for our future peace. A String.

The above speech was interpreted in the fix nation language.

Tagashata then rose up, and spoke,

Brethren, the governors, and your councils,

'It has pleased the most high, that we meet together here with chearful countenances, and a good deal of fatisfaction: And as publick business requires great consideration, and the day is almost spent, I choose to speak early to morrow morning.'

The governors answered, that they should be glad to give all the dispatch possible to this good work they were engaged in, and desired the chiefs would fix the time of meeting; but they declined it, saying, 'They were unacquainted with hours, but would give notice when they were ready.'

'At a conference held at Easton, on the 12th of 'October, 1758.

PRESENT.

The governors; the gentlemen of their councils, and others, as before.

'Tagashata, the Seneca chief, taking the strings and belt of wampum, which governor Bernard gave yester-'day, repeated according to the Indian custom, the 'particulars of his speech, and then added,

Brethren,

'We approve of every article mentioned to us yesterday, by the governor of Jersey; all that he said is yery good: We look upon his message to us, as a commension A. D. 1758.

commission and request from him, that we should bring matters to a good conclusion with our cousins the Minimiks. They themselves sent for us to do the fame thing, on their behalf; and at their request we came here, have taken it in hand, and will use our utmost endeavours to bring about the good work which governor Bernard defires, and do not doubt but it will be done to his entire satisfaction.

Brethren,

I now speak at the request of Teedyuscung, and our nephews the Delawares, living at Wyomink, and on the waters of the river Susquehannah,

Brethren,

We now remove the hatchets out of your heads, that was struck into it by our cousins the Delawares: It was a French hatchet that they unfortunately made use of, by the infligation of the French: We take it out of your heads, and bury it under ground, where it shall always rest and never be taken up again. Our cousins the Delawares, have affured us, they will e never think of war against their Brethren the English any more, but employ their thoughts about peace, and cultivating friendship with them, and never suffer enmity against them to enter into their minds again. The Delawares defired us to fay this for them by this belt. A belt.

Brethren,

Our nephews the Minisink Indians, and three other different tribes of that nation, have, at last, listened to us, and taken our advice, and laid down the hatchet they had taken up against their brethren the English. They told us they had received it from the French, but had already laid it down, and would return it to them again.

'They affured us, they would never use it any more against you, but would follow our advice; and entreated us to use our utmost endeavours to reconcile them to you their bretheren, declaring they were very forry for what they had done, and defired it might be forgotten, and they would forever cultivate

1758.

a good friendship with you. These declarations were made by the principal warriors of four tribes of the Minisink Indians, at giving us this belt. A belt.

Then taking eight strings of black wampum, he proceeded;

Brethren,

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We let you know, that we have not only brought about this union with our nephews on the waters of the river Susquehannah, but we also have sent messages to our nephews the Delawares and Minisinks, and to those likewise of our own nations who are on the Ohio, under the influence of the French. We have told all those, that they must lay down the Prench hatchet, and be reconciled to their brethren the English, and never more employ it against them. And we hope they will take our advice. We the Mohawks, Senecas, and Onondagas, deliver this string of wampum, to remove the hatchet out of your heads, that has been struck into them by the Ohio Indians; in order to lay a foundation for peace,

Eight strings of black wampum.

Tagashata sat down, and then the Cayuga chief, Toka aio, arose, and said,

Brethren,

'I speak in behalf of the younger nations, part of, and confederated with the Six Nations, viz. the Cayugas, Oneidas, Tuscaroras, Tutaloes, Nanti-

cokes, and Conoys.

A road has been made from our country to this council fire, that we might treat about friendship; and as we came down the road, we saw, that by some misfortune or other, blood has lately been spilt on it, By these strings we make the road wider and clearer; we take the blood away out of it, and likewise out of the council chamber, which may have been stained; we wash it all away, and desire it may not be seen any more; and we take the hatchet out of your heads.

Gave three strings.

Brethren,

#### THE HISTORY

A. D. Brethren, the governors, and all the English, 1758. I now confine myself to the Cayugas, my own

ation.

'I will hide nothing from you, because we have promised to speak to each other from the bottom of our hearts.

The French, like a thief in the night, have stolen away some of our young men, and missed them; and they have been concerned in doing mischief against

our brethren the English.

We did not know it when it happened, but we discovered it since. The chiefs of our nation held

their young men fast, and would not suffer them to go out of their fight; but the French came and stole

them away from us, and corrupted them to do mif-

chief: We are forry for it; we ask pardon for them,

and hope you will forgive them: We promise they shall do so no more: And now, by this belt, we take

out of your heads the hatchet with which they struck you.' A belt of ten rows.

He added, he had found out, 'That some of their young men had been concerned in striking the English four times.

At a conference with the Indians, on the 16th of October, 1758.

PRESENT.

The governors and gentlemen of their council, &c.

Governor Bernard spoke,

Brethren of all the confederated nations,

As you proposed your questions concerning Teedyuscung separately, I think proper to give you a
feparate answer thereto.

I know not who made Teedyuscung so great a man; nor do I know that he is any greater than a

chief of the Delaware Indians fettled at Wyomink

The title of king could not be given him by an English governor; for we know very well, that there is no

fuch person among the Indians, as what we call a king.

1758.

king, And if we call him so, we mean no more than a sachem, or chies. I observe in his treaties which he has held with the governor of Pennsylvania, [which I have perused since our last meeting] that he says, he was a woman, till you made him a man, by putting a tomhawk into his hand; and through all of those treaties, especially in the last, held at this town, he calls you his uncles, and professes that he is dependent on you; and I know not that any thing has since happened to alter his relation to you. I therefore consider him still to be your nephew.

Brethren,

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'I am obliged to you for your kind promises, to return the captives which have been taken from us. I hope you will not only do so, but will also engage such of our allies and nephews, as have taken captives from us, to do the same. That you may be mindful of this, I give you this belt.

A belt.

After the governor had done speaking, and their answers were interpreted in the united nations and Delaware languages, the Indian chiefs were asked, if they had any thing more to say. On which Tagashata arose, and made a speech to his cousins the Delaware and Minisink Indians, directing his discourse to Teedyusung.

"Nephews,

You may remember all that passed at this councilfire. The governors who sit there have put you in
mind of what was agreed upon last year: They both
put you in mind of this promise, and desire you will
perform it: You have promised it, and must perform
it. We your uncles promised to return the prisoners.
We your uncles, have promised to return all the
English prisoners among us, and therefore we expect
that you our cousins and nephews will do the same.
As soon as you come home, we desire that you will
search carefully in your towns for all the prisoners
among you that have been taken out of every province,
and cause them to be delivered up to your brethren.

You

You know that the is an article of this peace that was made between you and your brethren: In confirmation of which you received a large peace belt; of which belt we defire you will give an account, and let us know what is become of it, and how far you have proceeded in it.

After this was interpreted in the Delaware language. it was observed, that there were no Minifink Indians present; the governors therefore defired that mr.

Peters and mr. Read would procure a meeting of the chiefs of the united nations, Delawares and Minimks,

and cause the speech of Tagashata to be interpreted to the Minisinks in presence of their uncles.

Robert White, the Nanticoke chief, arose and said, he was going to speak in behalf of seven nations, and directing his discourse to the governors, he delivered himself in the English language as follows and to

Brethren, would be filled some stings of M. It is now more than two years fince we heard of our cousins the Delawares taking up the hatchet against the English. At the first, Sir William Johnof fon fent a meffage to the head nations, and when they received it, they fent to us at Otlaningo; telling us, that as we lived close by our coufins, they defired we would invite them to meet at our town, and accordingly we invited them, and they came to a great meeting at our town of Otlaningo. We then gaveour coulins a belt of a fathorn long, and twenty five rows in breadth, and defired them to lay down the harchet that they had taken up against the English, and to be easy with them: And if they would follow this advice, we told them, that they would live in peace, until their heads were white with age; otherwise, is might not be fo with them.

Not hearing from our coufins for fome time what they did in confequence of this belt, we fent to them two other belts, one of fixteen and the other of twelve frows, defiring them once more to be easy with their 6 brethren

1758.

where the English, and not to strike them any more: But still we heard nothing from them; indeed fometime afterwards we understood the Delawares should say, that the Indians at Otsaningo, had grey eyes, and were like the English, and should be served as Englishmen; and we thought we should have had the hatcher struck into our heads. We now want to know what is become of these belts; may be they may be under ground, or they may have swallowed them down their throats.

Brethren,

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'As our countries have been loth to give any answer to these belts, we now desire they may let us know, in publick conference, what they have done with them.

A strong:

17th October, 1758.

'ted the governors, that they could not be ready to meet before morning.

At a conference held at Easton the 18th October,

### with the little of the Ball and the state of the state of

'The governors, council, gentlemen and Indians, with the interpreters: As aforefaid.

Mr. Peters and mr. Read acquainted the governors, That at a meeting of the chiefs of the older
and younger nations, with the feveral tribes of the
Delaware and Ministrak Indians, on Monday night,
the speech of Tagashata, delivered that morning in
the publick conference, respecting the giving up the
prisoners, was interpreted in the Delaware language
by Stephen Calvin; and another belt, on the part of
the governors, being joined to Tagashata's belt,
they were both delivered to the Delaware and Minisink chiefs, to enforce the subject matter. When this
was done, Tagashata spoke to the Minisink chief
Egotchowen, saying, we were told by you, that you
had delivered up the English prisoners, and we believed you; but our brethren have told us, that they

A.D.A were not delivered up, and therefore we exmette 17587 ' defire that they may be made easy on this article. You

know, coulins, that their hearts will always be in grief, till they see again their flesh and blood; It is

narural that they should be so: It would be so with us, if it was our case. We delire you will be excremely careful to perform this matter fully and foon.

let there be perfect peace over all the English country.

And let it now be published, that we may all live in peace, and with fatisfaction, now and for ever. I

told you, Egotchowen, when you was in my town, o bring with you the English prisoners, and that our

brethren would expect it. I wish you had done it. But however, do it now with all speed, and it will

be well.

That Egotchowen answered, It is true; w I was at my uncles fire, and I believe he delired me to bring the priloners down but I supported was not interpreted to me; for I did not understand it elestly; but

I now understand it.

Brethren. 5 That the Minifink and Delaware Indians were defired to collect all their warriors together, and give them their belts, and received rom them their answer, it being necessary they should concur heartily in fully, and think that vbabulanos ed bluod raverade

Then Nichas, the Mohawk chief acquainted the governors Than as councellors, they had finished, having nothing to propose fat this prefent meeting. The warriors, were so freede now, and Thomas King was appointed to deliver their words, inho thesispon a down samoistradus michini te, inggod base salans all concerned in publick affairs, governoming their councils; land andian chiefe and their conads, and the warriors of all nations, white people and Indians, defiring all present to attend carefully to what was going to be related, as matters of great confequence, which would ferve to regulate the conduct of the

English and Indians to each other. He added, that the relation going to be made had taken a great deal

of trouble to put it into order, and it was made on · information

information given by the feveral nations now present;

Brechren.

WE, the warriors, have waited some time, in hopes our councellors would have taken this matter in hand; but as they have not done it, we have, at their defire, undertaken it, and they have approved of every thing. I say, the councellors of the see younger nations, as well as the three older nations, have approved of what the warriors are going to relate; and take notice, that the speech is not only the speech of all the warriors of the elder and younger nations, but of our confins the Delawares and Minishes.

This was interpreted in the Delaware language; and Thomas King, then proceeded, directing his speech to the governors, and all the English upon the continent, has from the continent.

Brethren,

You have been inquilitive to know the caule of this war: You have often enquired among us, has perhaps you did not find out the true cause of the bitterness of our hearts, and may charge unwrongfully, and think that you were firedk without a came by fome of our own warriors, and by our coulins. But if you look a littlenabout you Tyou will find that you gave the first offenceon For in time of profound peace, fome of the Shawanere, spatting thro South-Carolina, to goto war with their encioica, were taken up and put into prison wThe English knewthey were going to war, and that they used to do it every year : And yeti aftersthey had perfudded them in a friendly way into their houses they were taken up and put into prifon wand one who was a head man of that nation loft his life, and the others were feverely used. This first raised ill-will in the minds of the Shawanese, and as the French came a little after this happened to fettle on the Ohio, the Shawanese complained of it to them, and they made an artful use of it, fet them against Hh 2

AUDA 1758.

against the English, and gave them the hatches. Being refolved on revenge, they accepted it and tikewife fpoke to their grand-fathers she Delawares, faying, grand-fathers, are not your hearts fore at our being used fo ill, and at the loss of one of our chiefs? Will you not join as in revenging his death? So by degrees our young men were brought over to and against you. On fearching matters to the hortom, you will find, that you in this manner gave the first offence. This we thought proper to det woulknow: It may be of fervice for the future no You may be induced by this to take better care in conducting your council-business, so as to guard against these breaches of friendship; or as soon as they happen, in corresponding immediately with one another, and with the Indian nations, who are in any wife concerned on such occasion.

#### Eight firings of black wampum.

Brethren, could be guilfustria maw not requi This was the case of the Shawanese that I have just now related. Another of the like nature has fince happened to the Senecas, who have fuffered in the our intelligence! "The Prench ... fame manner.

About three years ago, eight Seneca warriors were returning from war through Virginia, having feven prisoners and scalps with them. At a place called Green Briar, they met with a party of Soldiers, not less than one hundred and lifty, who kindly invited them to come to a certain flore, and faid they would fupply them with provisions: And accordingly they travelled two days with them, in a friendly manner; and when they came to the house, they took their arms from the Senecas in The head man cried out, Here is death, defend yourfelves as well as you can; which they did, and two of them were killed on the fpot; and one, a young boy, was taken prifoner. This gave great offence, and the more fo, as it was upon their warriors road, and we were in perfect peace with our brethren. It provoked us to fuch a degree, that we could not get over it will but ?

6 Brethren.

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of hiBrethrens of Siving fine and signal that all a You have justly demanded your prisoners; it is right; and we have given you an answer: And therefore, as we think this young boy is alive, and somewhere among you, we defire you will enquire for him. If he be alives return, hims if you have fwallow'd him down your chroats, which perhaps may be the cale, leo us know it, and we will be content, His hame is Squiffatego. A Six frings of white wampum.

wort Brethrehos to and adapted swigted a We have one word more to mention of the fame nature, and which was the very cause why the Indiana 'at Ohio left you are of as of a journed handon have

Such Brechsen senses as Ton all harms to senses first heard of the French coming to Ohio, tely fent word to the governors of Vir-'ginia and Pennsylvania; we defired them to come, and likewise to supply us with such things as were proper for war, intending to defend our lands, and hinder the French from taking the possession of them: But thefe governors did not attend to our mellage; perhaps they thought there was no foundation for our intelligence. The French, however came, and become our neighbours; and you neither coming 'yourselves, nor affifting us with warlike stores, our people of necessity were obliged to trade with them, for what we wanted; as your traders had left the country. The governor of Virginia took care to fettle on our lands for his own benefit; but when we wanted his afficance against the French, he diffe-"garded with days with them of the menter bolts"

Brethen, blund she of dries with nedw buts?

At this treaty you justly demanded to fee your fesh and blood .. We have pressed this on our coufins the Minifioks; and they by this ftring, defired us to affure you, the governors, that they would make strict search in their towns, and sincerely comply with your request, and return all the prisoners in their power.

Two firings of black and white wampum.

## THE HISTORY IS

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Minimika

Then directing his discourse to the governor of Jersey, he proceeded,

Brother, the governor of Texts.

Our coulins the Minimus, tell us, they were wronged out of a great deal of land, and the English fettling to fast, they were pulled back, and could not tell what lands belonged to them. They say, if we have been drunk, tell us to. We may have forgo what we fold; but we trust to you the governor of Jersey, to take our cause in hand, and see that we have justice done us. We say, that we have here and there tracts of land, that have never been fold. You deal hardly with us; you claim as the wild treatures, and will not let us come on your land to hunt after them. You will not so much that us peel a fingle tree: Thus is hard, and has some us great offence. The cattle you raise are your own, but those which are wild, are full ours, or should be common to both; for when we sold the land, we did not propose to deprive ourselves of hunting the wild deer

from two defire the governor to take this matter from the defire the governor to take this matter finto his care, and see that justice be done in it.

of the few and Octobers and Octobers of the level of the few and other and other services of the few and other services of the

ts black engined said driw essensimes sakvind's AK alliant Johnson se captain noticed. Mis majefty's

interpreter to to fige a fions ; mr. Stephen Cal

His excellency governor Bernard.niv

The commissioners of New-Jeffeyans

The chiefs of the United Nations 1997 of the Mini-

sanitori George Croghan Efq; captain Henry Mountour

Nations to him, to do justice to their nephews the Ministries, concerning their claim to lands in New-

Jersey, said, he would make diligent enquiry, what lands were remaining unfold by them: But as that would

that fome means could be found to give them fattafaction at this meeting. The people of New Jerfey faid, they had bought all, or the greatest part of the Ministrick lands a and the Ministrick faid they had a, Minifink lands, and the Minifinks faid the had a great deal of land unfold. He could not ell who was in the right; but would improfe there were forme lands unfold: And upon that improfition wedding we them forme money by way of confideration for them, if they would propose a reasonable fully; and defined they would advise about it, and give an answer.

The united nations said, it was a very kind proposal, and recommended it to the confideration of the Miniforks.

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Minifinks. we some one of the Minimine!

At a private conference with the Indians, held at Eafton, the 21st of October, 1758. or the which read & definition or hould

His execulency governor Bernard, with out grand the Jerien commilliquers logard ?"

Thomas King, chief of the Orleidas & Tagashata, chief of the Sedecas. Pales, sid, chief of the Cayugas. Egoholisates, chief of the Wapings. With other Indians of the feveral manions O day i and or a lake dew "

Johnson; captain Henry Montour, his majesty's interpreter to the United Nations ; mr. Stephen Calvin, binterpreter of the Delaware and Minifink The commissioners of New regargual

'His excellency informed their, this he me them to agree about a confideration for the uncertain claims the Minifinks, Wapings and other Indians, claimants of fand in the northern parts of the province of New Jersey, and defired that it might be con-fidered, that they knew not what they fold, and he knew not what he bought, therefore the price ought not to be large it skem blung and but proposed

gad Inda wase remaining unfold by them, Br

#### THE SHIST OR YOU



That they might propole a fum to him, or he would make an offer so them, or it should be left to their singles to consider of a price, as would please them, best.

The united nations, by Thomas King, faid, that they had no claim to the lands of the Minimus, or others their nephews, on the east, lide of Delaware, and should therefore leave the fixing a price to them.

Then the Minifiaks and Wapings with law to confult about it; and being returned, figobolowen, the Minifiak chief, faid, that they would choose the governor should make an offer, taschey might perhaps demand too much define and too tills to good the same till the

His corellency having confulted the commissioners, offered them eight hundred Spanish dollars for their claim in New-Jersey, at an extraordinary price.

opinion of their uncles in the matter.

The United Nations, by I homas King, faid, it was a fair and honourable offer, and that if it was their own case, they would chearfully accept of it:

But as there were a great many persons to that in the purchase money, they recommended it to his excellency, to add two hundred dollars more; and if that was complied with, the report of it would be carried to all the nations, and would be a great proof of the affection and generolity of their brothers the English.

'affection and generolity of their brothers the English, on this occasion, and would be very agreeable to them.

'His excellency defired to know of the Minifinks, and other claimants, if they approved of the proposal of their uncles; and they informed him, that they did.

The governor after consulting the commissioners, faid, it was more than he had intended to give; but as the United Narions had given themselves the trouble of being mediators between them, he could not refuse their recommendations, and was glad of the opportunity he had of shewing his regard to the United

#### OF NEW-JERSEY.

United Nations, and his benevolence to the Minifink and other Indians, who had relided in the province where he prefided; and therefore complied with their request.

This excellency then defined them to remember, that this confideration money, was to be in full for the claims of all the Ministak and Waping Indians, and all others who claim any lands, in a map, which was laid before them at the lame time, which included all the lands from the line between the provinces of New York and Yew Jerfey, and down Hudfoh's inversity the month of Rariton up the lame to Alametung Falls, on the north branch of Rariton fiver, thence on a streight line to Padquahit Mountain, where it joins on Delaware river, and thence up the Delaware to Cushytunk, and recommended it to them to have respect to this in the division of the confideration money.

Then Fagashate, the Seneca chief, arose, and addressing himself to the Ministres and other Indian claimants, spoke as follows: www.sale.lead and red;

But as there were + sweat many perswadgen wM

Ldefire you will now give over all thoughts of your land; and that we may bear no more complaints about it into add bluow it to more about them brilling your

Now you must remember the friendship between you and your brother, and transmit to your children, and make them acquainted with the transactions of this day. I recommend this to you, not from my lips only, but from the bottom of my heart. I hope it will also make a deep impression in your hearts.

'It feems, as if your grandfathers had not told you of the treaties they used to have with their brethren, but carried them with them to the grave. But we hope you will not do so, but carefully inform your children of your agreements. We have given you this advice, and hope you will follow it: We also expect you will take care of your young men, that they do no more mischief to their brethren the English.

Egohowen,

A. D.

Egohohowen, then addressed himself to the go-1758. Avernor, and defired to be heard. I work for books

and if Brothers tons Hann state oblin hoge risde

We are now thorough fatisfied and we fill getain is a friendhip for our bretheen the Englished and we defire, that if we should come into your propined, to filee out old friends, and should have accasion for the bark of a tree to cover a cabbin, or a little mireliment, that we should not be denied but be treated as brethren. And that your people, may not look on the wild beatts of the forest, or falls of the waters, as their fole property; but that we may be admitted to

The governor answered, that as loon as he got home, he should affine a proclamation to notify to the people of his province, that he had made a peace with them, and to order, that, for the future, they hould be treated as brethren, which he hoped would be done: But defired they would not go into those parts, where they had lately committed holfilities, till the people's passions were cooled, for he could not be answerable for his people's behaviour, whilst their losses were fresh upon their thinds.

an agreemendento noi new off and other ladians

for the uncertain plains they had on the fouthern parts of our programs sureblines surelles the deeds, that

Teedynicung, Nowalkeeka, Mas Four neps, Awc-hela, allas Tanies Davis, Egoholowen, Monie, chief, Tipincawen, alias Samuel Davis, Philip Com-

pais, Lappilik, Moles Tetanyon much i bith pais, Conrad Weller, all Helly Montuer, Track Stille, while, the control of the con interpreterals

Governor Bernard, requelting the attention of the

Indians, addressed them as follows and add a

Brethren of the united nations.

By this string, you spoke on behalf of our brethren the Minisinks, and said, "That they were wronged in their lands; that the English settled so fast, they

saked for their lands, they were told that they that fold their land, and had got drunk and forgot it. If they the land, and had got drunk and forgot it. If they had fwallowed their lands, they must be content; but they did not believe that they had Mallowed all, of but they fome was left to They defined, that I would all and the their lands that were left, band do them they defined, that I would the their lands that were left, band do them

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perfors, that have received injuries from the people,

over whom the great king has placed me.

I have therefore had a conference with the Minifinks, in the prefence of fome of their uncles; and
have come to a full agreement with them, the proceedings of which are now ready to be read to you.

I have another proof to give you of the uprightinels and justice of our province. We have come to
an agreement with the Delawares; and other Indians,
for the uncertain claims they had on the fouthern parts
of our province. I hereby produce the deeds, that
have been executed on this occasion, that the subject
of them may be explained to you, and be had in
perpenual remembrance by all the nations present:
And I desire that you may all remember, that, by
these two agreements, the province of New-Jersey is
entirely freed and discharged from all Indian claims.
In confirmation of which I give you this belt. A belt.

Brother Teedyulcung,
By this ftring you tell me, that, after the killing the nine Indians near Elopus, you carried three belts to George Vreeland, who undertook to give them to the governor, and you alk what is become of those belts.

Brother,

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Brother, of early and a company the considered

I can only fay, that I never heard of those below before; nor do I know, what governor George Vreeland undertook to carry those belts to. The proper governor was the governor of New-York; for in his province was this mischief committed. And probably the governor of New-York had these belts; for I have heard that he issued a proclamation for apprehending the perpetrators of this fact. This fast has been blamed by all good and wise men; and I am glad it was not done by the people of my province. I will acquaint the governor of New-York with what you have said upon this occasion, and I will enquire after those belts, and give you an answer. A fring

Philadelphia, on urgent bulings, took his leave of the lodians, faying the lodians.

an ErBrethren, to small on ed dample and believed A

It gives me great pleafuse that the bufiness of this treaty has been carried on with so much fatts sactions

obliged to leave you, having received last night an express from general Forbes, who is now near the Ohio. My business calls me to town; I shall therefore leave my Logan and mr. Peters to transact the remainder of the business, and doubt not but they will act to your satisfaction. I assure you of my affection for you, and with you all manner of happiness.

half of the Wapings, hving near Æfopus, and produced a fhort broad belt of white wampum, having in the center, two hearts of a reddish colour, and in figures 1745, wrote after the following manner, 170045. The belt had a round circle pendant, representing the sunt He then produced two certificates, one from governor Clinton, and the other from governor Hardy, both which were much in favour of the Waping Indians. He said the belt was given them by the government of New-York, and represented

A.D.

represented their union, which was to last as fong as the sub-should continue in the firmament of the sub-should continue in the firmament of the sub-should continue in the firmament of the sub-should continue in the sub-should continue

Teedyuscung addressed governor Bernard, desiring by a string of Wampum, that he would extend his protection to the Wapings; and as their thier was old and infirm, he requested the favour of a horse to carry him home; which was readily granted.

'Tagafhara made the fame request to governor

Denny, which was likewife granted.

The Six Nation chiefs confulted together, and in a little time, Nichas, in their behalf, returned an answer to the speeches of the governors, laying the belts and strings upon the table, in the order they were delivered, and repeating distinctly what was faid on each of them. At the end of every article he returned thanks, and expressed the highest action, particularly on the ratifying the peace, and the large belt given thereupon, which he said should be sent to all the distant nations of Indians, to whom it would be very agreeable; he likewise promised; that every thing transacted in these conferences, which he again said had afforded them great pleasure; should be said before the great council at Onondaga, whose answers should be carefully transmitted.

He thanked governor Bernard for making up all the differences between that government and the Ministrak Indians for much to their datisfaction was the

'He made an apology for the want of Wampum, and the exchange of other belts to give in confirmation of their performance of the leveral things mentioned in the governors speeches, agreeable to Indian cultoms. And then wished governor Denny a good journey.

At a conference with the Indians, sheld at Easton,

#### cates one from gor ino Pane and the other

His excellency governor Bernard on Tues

'William Logan, Richard Peters, Andrew John-'fton, Charles Read, John Stevens, George Croghan,

A.D. Conrad Weifer, Charles Swaine, efquires aMajor · Ordnt, the theriff of Northampton county, John United Nations, as before for to, which the noting "

\*The chiefs of the United Nations and of the other nations, and the interpreters, as aforements tents thereof, together with the bruits detoriberson

Mr. Secretary Peters having objerved to the confederate chiefs, that the governors were by Toks aio, charged with having omitted forme things in their answers, and defired to know what they were Tho mas King faid, that in regard to form things they had been lince supplied, and recommended that feme other things should be more particularly taken notice of, than they had been. Wherefore agreeable to his advice, the following speech was frome by the members of the Pennsylvania council, governor, Bernard following deeds executed by By Ospandi gnitalla spointed by a council of the Delawa enathers.

As we have now fettled all differences and confirmed the antient leagues of amity, and brightened the chain of friendship; we now clean the blood off your council feats, and put them in order that when you hold councils at home, you may his in your feats with the same peace and tranquility as you formerly caven, fignifying their agreement theretoob or bolu?

A firing confifting of a thousand grains of Wampum

thereon; witheffed by three chiefs of thenral bus

With this firing of warroum, we condole with you for the loss of your wife men, and for the warriors that have been killed in these troublesome times and like wife for your women and children, and we cover their graves decently agreeable to the cuftom of your fores fathers. A firing of a thousand grains of wampum.

Brethren, and down the division ince same,

"We difperfe the dark clouds that have hung over our heads, during these troubles, that we may see the fun elear, and look on each other with the chearfulness our forefathers did.

A string of a thousand grains of wampun. . Then

Then mr. Peters and mr. Weifer produced the confirmation deed, executed by the chiefs of the United Nations, as before fet forth, which the Indian chiefs acknowledged to have been their voluntary act and deed, and that they clear by index feod the coits tents thereof, together with the limits described in the draught annexed to it; and the fame being handed from Indian to Indian, all round the house, it was delivered to the proprietors agents this beginning to

Aften which the Indian chiefs productione provies to dead of its leafer executed of the property of the chief of the chief

"His Excellency governor Bernard approduced "the following deeds, executed by five Indian attornes, appointed by a council of the Delaware nations, for all the lands lying in New Jersey, fourth of a fine from Paggualin mountains at Delaware river, to the falls of Alamaung, von the north branch of Rarlow 'nver, tehence down that river to Sandy Hook o direct the rath of September laft, with endorfements there on, made by Techyoftung, Unwalladon and Tepat cawen, fignifying their agreement thereto, and acknowledgment of their having received Tathfaction thereon; witneffed by three chiefs of the Six Mations, who in behalft of the Six Marions, approved the fale, and also byvieveral English with effection And another deed, bidated the web October inflant later Eafton; from the chiefs of the Manties, Wapings, Opings, or Pomptons, fixteen in number, and including all the remaining lands in New Jerfey, beginning at Cushytunk, and down the division lines between New-Jersey and New-York, to the mouth of Tappan creek at Hudson's river, and down the same to Sandy Hook, thence to the mouth of Rariton, thence up that river to the falls of Alamatung, thence on astraic line to Paoqualin mountains, where it joins on Delaware

A.D.

ware river, thence up the river Delaware to Collytunk; endorfed by Nimham, a chief of the Opings or Pomptone, who was fick at the execution therent, and approved by the Six Marions, which was testified by three of their cheirs, figuring as stunffer thereto: And governor Bernard delited, that all prefent might take, notice of the same, and amember that the Indian titles to all the lands in New-Jertey, were conveyed by those two deeds.

Which being interpreted in the Mingonald Delaward languages white tradle pay add at the lareliants, as follows to the attention and in the at-

Brethren,

finished. I came among you wholly unacquained with your forms, and therefore if I have omitted any ceremonies, you will readily excuse me, but in whatever I have been deficient. I am sure, I have not wanted a good heart towards you.

The circumstances of our province. have histerious rendered us unable to give you any great proof of our regard for you. But I shall endeavour to persue my people, to do you good service for the fature, by opening a communication with you; which if rightly managed, will be much to the advantage of both people. And for my own part, I shall be always ready to do you justice; and define that whenever you have cause of complaint against my people, you will take care to fignify it to me.

The Five Nation chiefs, laid all the belt and firings on the table, that were delivered at this and the last conference. Toka ato, the Cayuga chief, defired the governor and all present, would take notice of what Thomas King was going to lay, on behalf of the United Nations.

On which Thomas King arole, and taking up the first belt which was given by Teedyuscung, when he requested a deed for the Wioming lands, he addressed the Delawares, (Teedyuscung not being present) as follows:

Cousins,

3. D.

Coulins,

By this belt, Teedyolcong defined us to make you the owners of the lands at Wioming, Shamskin, and other places on the Sufquehannah river; in salwer to which, we who are prefent by. That we have no power to convey lands to any one; but we will take your request to the great council hite, for step fentiments, as we never left or convey any land, the it is a greed on at the great council of the United Nations. In the mean time, you may make use of these lands, in conjunction with our people, and all the rest of our relations, the Indiana of the different nations in our alliance.

Which being interpreted into Delaware, the firing of wampum was given to Moles Tetamy and James Davis, to be delivered to Teedyuscong, as he was not present.

Then taking up each belt and string in the order it was delivered in this, and the last conference, he proceeded to repeat distinctly, what had been said under each article, returning thanks for all those good speeches, which he said, were extreamly agreeable. He made particular mention of the large peace belt, saying, "The nations are greatly pleased, that all the antient treaties made here, at Albany, and elsewhere, are renewed, as well as that the old council-fire at Philadelphia, is kindled again, and a good road made to it, that may be travelled without any danger: These in particular, as well as every other matter transacted at these conferences, we will make known to our own nations, and to every other in friendship and alliance with us, and we are sure they will be very well received.

'Then addressing governor Bernard, he thanked him for his farewel speech, saying, "It was a very kind one, and that they were much pleased with his having been present, and given his affiltance at this treaty, which had given them an opportunity of gaining an aequaintance with him, which they would

ever remember with pleasure. After a paule, he defired to be excused for mentioning some things that had been omitted by the governors and their councils.

They have forgot to bring with them ammunition, of which we always used to receive a fufficient quantity, not only to ferve us in our journeys buges fapport us in our hunting featon, that we might be enabled to make provision for our families ad They have given us gunlocks without guns which are of no manner of use to us; and therefore this must have furely been forgot; as it is impossible for Indians to sublish without guns, powder and lead, of which we have received none.

As many of us are old and infirm, we defire our brethren, will be fo good as to furaith us with a number of waggons, to convey such of us, as are not able to walk, and the goods you have been pleased to give us, as far as Wioming, where we have left

our canoes, and then we will discharge the wiggons, ares, called Brother maga what smoo year year bane !

We further defire a supply of provisions may be put into the waggons, enoughtto ferve his till we get to our respective habitations and conveniential avidagles rue on ..

104 He then took up the proprietary release, and re-Sturned chanks for ite Heifaid off When the Minited Nations first made the request to far William Johnson, to be transmitted to Onas, they had no doubt but Onas would comply with it, having always found him ready to grant all their requelts. With him we have never had any difference; he has always lettled our affairs without giving us any trouble, and to our fatisfaction. We heartly thank Onas; this act ton-

firms us in the good opinion we always half of him.

Then addressing himself to the Delawares, with a firing of wampum, he spoke as follows:

This serves to put Teedyuscung in mind of his promises, to return the prisoners! Remember, cou-

fins, you have made this promife in our prefence; you did it indeed before, and you ought to have per-& formed

formed it: To tell lies, does not become a great man always keeps his word, and performs his promises. Coulins, You must not now fail to keep your word: We are all now one people, and we must all be punctual in the performance of our engagements.

This was interpreted into the Delaware language 'and the Tring was given to Moles Tetamy, to be delivered to Teedy arcung.

Then he laid, the United Nations had finished

what they had to lay a solwood and modely shided 'Some wine and punch was called for and mutual healths were drank, and the conferences were concluded with great fatisfaction.

In confequence of the expectations given the Andian inhabitants, the commissioners, with the confent of the Indian attornies, purchased a tract of upwards of good ares, called Brotherton, fituate in Burlington county, in which is a cedar fwamp and faw-mill, adjoining to many thousand acres of poor uninhabited land, fuitable for hunting, and convenient allo for fifting on the feacoaft; the deed was taken in the name of the governor and commissioners, and their heirs, in trust for the mie of the Indian matives who have or dou relidenting this colony fourth of Raricon, and their facesfors for ever, with a clause, providing that it thall not be in the power of the Indians, their fuccessors, or any or them, to leafe or fell any part thereof; and any perion (Indians excepted) attempting to fettle there, to be removed by warrant from a justice of the peace; no timber to to be cut but by the Indians, under penalty of forty hillings fine for every tree. The Indians foon after the purchase, removed to the settlement, and there remain to their fatisfaction, having their usual means of living very convenient , they were affilted by the government, in their removing and buildings to There formed

(R)

A. D. 7758.

A. It.

Soll !

are about fixty persons scated here, and twenty at Weekpink, on a tract formerly fecured by an English right, to the family of king Charles, an Indian

Some time after the treaty at Ealton, fresh hostilities being commenced by the back Indians, and approaching very near the frontiers of Jerley, it was feared norwithstanding these agreements, they would prove perfidious which occasioned a guard to be placed there: Part of the address of the allembly to governon Frank-lin, in the spring 1264, sets this and the present state of Indian affairs, in a true light mand with that we lying directly in the concourfe. Beidule and abulance

In the original festlement of this province great circumspection and care was used to gain, and pre-

ferve the friendship of the Indian natives; their lands

were from time to time, fairly and openly purchased, to their general farisfaction. This reodchiared their

affection; and for a long course of time, they were

eminently ferviceable to the new feetlers o and fines

the beginning of their hostilities, left some among

them thould think any part of our lands remained unpurchased, care was taken at the treaty of Easton, 1758, to obtain for a valuable consideration, a general release for all the lands in this province, such

parts only excepted, as were referred for the use of

those Indians that inclined to live under the protection

of this government of this was done, and the money

paid in open council, and oheir approparion univer-fally expressed such therefore being the circum-

france of this province with regard to the Indians.

it became a matter of aftonifment to us, that any

conduct of theirs should give reason to fear their in-tentions respecting us; and whether they had actually any design upon this province or not, their hostilines

in the neighbourhood of our fronter, and in one

doubtful instance, over the line, were inducements to

place a frontier guard of two hundred men for the . A Har je in possession, the from neuasion

winter paft.

Weekpink, on a read formerly fetured by an English rigit, to the takeny the king distress an India

A. D.

A short geographical description of the province, and additional view of its present state.

A. D. 1765.

our delign; nor will to perhaps be a matter of much expectation; at the present state of trade curried on chiefly through the provinces New York and Pennishand, Rearis but httle calculated to draw attention from about the little calculated to draw attention from about the little calculated to draw attention from about in the concourse between the places storesaid, religion it almost as well known to strangers morning there.

new Jerley Lyng about 75, well longitude from London; is bounded on the west and south-west by Delaware river and bay, on the fouth-east and east by the atlaneick ocean; the found, which feparates Staten Mande from the continent and Hudion's river on the north, by a line as yet unfettled, to be run from the nver last mentioned, in the latitude of to the northerly branch of Delaware. in latitude of York on that fide. The greatest length of New-Jerley from north to fourth, that is from Capso May in the Mitude of 309 qq the morth Station Point oin the latitide 41 9140 drag 60 mites 10 do degree; lis que miles. la greatest breaden is about so wiles; but toppoling it on an average 1 50 Th length and 50 broad, the whole province must then contain 4,800,000 acres; of which at least one-fourth, (probably more) is poor barren and, in respect to tillage, but in part abounding with

b. Or if we include that Island still on the atlantick; but New-York hath it in possession, the from lituation it feems apparently intended a part of New-Jersey.

JAAD.

pinese and cedars, and fome few traffs of free 1765. othat will make meadow. It is supposed that West. Jerley contains the greatest quantity of acres and in return rook the most barren land. East Jerfey, now 1765, is supposed to have located nearly 468,000 acres good land, and 96,000 acres of pine land. I sve The proprietors of West-Jerley foon after their artist. divided among them, goo, goo acres, which the calthe first dividend a fince which at different times; they have iffied directions for each proprietoristaking his part of four other dividends of the like duantity, amounting in the whole with allowance of five per cent for roads, to 2,625,000 acres conjectured by many to be full as much land as the digition contains of this the far greater part is already furnered what yet remains are chiefly the rights of minors and people abroad. yeathere are Kattering fettlemental along

Delaware river, from the head of Cultierunks tho not obstructed with falls, has not been improved to any in land navigation, by realon of the thinnels of the fettlements that way ! From Confidentifk to Trenton falls, are fourteen confiderable fifts, yet all paffable in the long flat boars used in the havigation of these parts, forme carrying 500 or 600 buffhels of wheat. The greatest number of the rifts are sfrom Easton downward and those fourteen miles above Easton, another just below Wells's ferry, and that at Trenton, are the world. The boars feldom come down but with fiethes, especially from the Minkinks? The freight soned generally continu

Chiefly the pitch pine. I we of the mort metre slock a. Good rights in Bail-Jerfey, now 3 765, fell at 2ds proc. per scre, Pine ditto, 10 a. proc. per acre: Rights in West-Jerfey, at the same time, sell from 101. to 121. per hundred acres.

e. These boats are made like troughs, square above the heads and fterns, floping a little fore and aft, generally 40 or 50 feet long, 6 or 7 feet wide, and 2 feet o inches, or 3 feet deep, and draw 20 of 22 inches water when loaden.

wheat; and three skillings a barrel for flour. From the 1765forks, and other places below, twenty skillings a ten
for pignition. Even pence a bushel for wheat, two
shillings and fix pence a barrel for flour. This river
above Transon, has no branches worth mentioning,
for conveniency of maxigation for W to storaited of

exensive one harbours for large shipping are but few, and, except Sandy Hook; mostly inconvenient, occafoned by a great extent of last meadows; swamps, and
marshes, and being exposed to the N. E. winds; this
disadvantage is however amply supplied by the Delaware and Hiddon's river not down as line as of warm

Almost the whole extent of the province adjoining on the attantick, is barrens, or nearly approaching it; yet there are scattering settlements all along the coast, the people fablifting in great part by railing carrie in the bog undrained meadows and maribes, and felling them to graziers, and cutting down the coders, thele were originally plenty of both the white and sed forts: The towring retreat of the former have afforded many an afglum for David's men of necessity to They are now much work'd out. Another means of fubliftence along the coast, is the plenty of fish and oysters, these are carried to New York and Philadelphia markets. It is thought, no inconsiderable whale fifthery might be form'd there; on the banks the New-Eng-land men frequently fifth with fuccess. The barrens or poor land, generally continues from the fea up into the province, thirty miles or more, and this nearly the whole extent from east to west; so that there are many thousand acres, that will never leve much of the purpoles of agriculture; consequently when the pines and seedars ore made like troughs, square above the

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f. Analysis of the map of the middle colonies, by L. Evans.
2. 1 Sam. xxii, 2, nabuol namy

A. D.

cedars are generally gone (they are to abready in withy places) this will not be of much value. This excepted and what of the same fort may be here and thereintermixed in many in other parts of the provinced the lands in general (perhaps formsthing bester than pero thirds of the whole) are good, and bear wheat barley or any thing else suitable to the climate, to perfection. As the province has very little foreign trade on bottoms of its own, the produce of all kinds for fale goes chiefly to New-York and Philadelphia; much of it is there purchased for markets abroad; but some confumed among themselves. The Inhabitants as to dress and manners, form themselves much after the neighbouring provinces; the western, about as far as the tide flows up Delaware, those of Pennylvania; the remainder, those of New-York. The political state of the province may be described in a few words; harmony reigns in a confiderable degree, in all branches of the legislature; the publick business is consequently dispatched with ease, and at a small expence. Thus much in the general. Next for the counties; of these there are thirteen: Their respective wealth on a comparison with each other, may be collected from the pro-In this county lies the city of Porth Amage reason point of land, which divides the river Randam and Arfour dKinteleund. It tales ite nauer den eie Mion lames 199 in the proprietors x3 is an in land and of the proprietors x3 is a car of the proprietors x3 is a car of the the training and of the training and tra The magnion a fea made, as tying notion the sendy-Hate of the veffels may arrive almost any wather in ester side from the-fea, and find a fair a Maran Dious HUNTERDON, CO I de la suoi 3.545. O'ibline de la serio esta de la serio es

but a small proportion profit out wood a skil shaiw it awarelbhil

#### OF YNDEOW - JERSET.

ethicker were eft mice and the excepted and the excepted and the chartened and the excepted and the chartened the here and thereint may be here and thereint may be here and thereint may be here and the first and the many in other restands the harvaiced The

lands in geresals (glassined constitutions in the shall shal

fry between 1600 and 1745, was found to be more than fix for one the proportion of firangers arriving fince, is not the lame; but the natural increase multiple far greater.

The counters are several of them mark d by proproperty of the mark d by proproperty of the mark defended by proproperty of the mark defended by proprovince may be described in a sew well.

## harmony reigns in sonivid ahishance, in all branches

of the legislature, the publick business is consequently disparenced with A. 2. 2. 10 Cm. I have disparenced with A. 2. 2. 10 Cm. I have a single property of the property of

In this county lies the city of Perth-Amboy, on a point of land, which divides the river Ratiton; and Arthur Kull found. It takes its name Perth from James Drummond, one of the proprietors, and earl of Perth, and Amboy from Ambo, in Indian a point. The fituation for a fea trade, as lying open to Sandy-Hook, whence veffels may arrive almost any weather in one tide from the fea, and find a safe commodious harbour, capacious enough to contain many large ships, is allowed to be as good a port as most on the

continent:



i, This took its name from its thape; not far from the land at Middletown, it winds like a hook, the shore and bottom fandy.

A. D.

continent; yet by a farality attending almost revery attempt for trade in the province, the endeavours this have been hitherto with no great flucces; that they have a fea trade, and export to foreign marked weer not as might be expected from the advantages of fituation: The land les high and dry, in a good air: The Scots proprietors were indefatigable to improve it; but found up-hill work; yet effected a communable fettlement. The best part of the country round has water carriage to New-York. The leginature, by early Ripulation of the proprietors and inhabitants, meet here and at Burlington, alternately, to accoming mities of this long-extended province; in the fame vince were fixed: Here the courts for the county of Middlesex are held; here also the general proprietors for East-Jersey always meet, and have lately erected a large and elegant house. [ See chap. ix. ] In this county also up the Rariton, lies the city of New-Brunswick, well built, but the situation low, the high ground adjoining; the county besides contains several villiages, as Woodbridge, including Raway, Pilcataway, Cranbury and Princeton; in the last is situate the New-Jersey college, a handsome capacious building:4 The college was first founded by charter from president Hamilton, and enlarged by governor Belcher, in 17475 at his death he left it a confiderable donation of books. The land in this county is in part very rich, and affords beef, theep, fome pork, most forts of grain, and fmaller articles; befides flaves, firewood, and other lumber, for exportation and New-York market A general idea may be form'd of the religion of the inhaannie ire too high in value, to be generally large

A. Here is a publick library.

<sup>1.</sup> For a view, fee New American Mag. 1759, p. top 1

## OF NEW-JERSEY.

bitants, by the houset for worship, of these, the chicopalians in this county have five, presbyurians seven, quakers four, Daptills two, seventh day baptills one, low Dutch calvinish one logo and allow baptills one,

## not be might be extracted from the advantages of fitte

Boundaries by act of affembly, passed in 1709, begins at the mouth of a creek that parted lands originally belonging to Andrew Bowne and George Willocks; thence following Middlelex, to the line dividing the eastern and western division of the province; thence southerly along this line to the lea; thence along the lea to the point of landy-hook, and thence up the bay to the creek aforelaid; it contains the villages of Shrewsbury, Middlerown, Freehold, and Allen-Town: The courts for the county business are held at Freehold. The lands in Shrewsbury, Middletown, and part of Freehold, are mostly remarkably good; they raise grain, beef, sheep, butter, cheels, and other produce for New-York market. At the high lands of Navesink, the New-York merchants have lately erected a commodious light house, for the iccurity of navigation. The houses for worthing in this county, are, presbyterians six, episcopalitans four, quakers three, baptists four.

#### was lifel founded by or grate room well dent litamitton

Had its boundaries fixed by act of affembly, in 1709, but altered in 1741. Laws of the product, col. 1. p. 12, 274. It contains the well-ferried towns of Elizabeth and Newark, in the farmer those for the abricat borough. This being an old fettled county, and good land, is confequently full of inhabitants other plantations are too high in value, to be generally large; their

\* At each of those towns is a publick library.



197 198 1985

their improvements greater than in many other parts, they raife wheat, beef, sheep, and generally what is common from good land; part is carried to New York market, and part exported in bottoms of their own. Of places for worship, the presbyterians have seven, episcopalians three, baptists one, Dutch calvinists two.

SOMERSET OF 1709 But altered by other acts in the act of 1709 but altered by other acts in the act of 1709 but altered by other acts In 17 13 and 1741. Vol. 1 of lates, police of 274. It adjoins to Middlelex, on the north, the reft on Enex, Moris and Hunterdob ! In it's the Village 81 Bound-Brook: The land is diene and being carly fettled by the industrious low Dutch, and a few others. much improved. Wheat is the staple of the county, of which they raise large quantities they lette their flour down Rariton river, to New York and near Brunfwick, running under the river Ranions is wa county lies the Rocky-Hill mines in Herebulle Balkin-ridge, is the fear of William Alexander want of Stirling; his improvements for leafte until egyenee, promise more than any thing of vehic khidu hitherto effected in the province; in Of house for worthib! He English presbyterians have threed low Dorch referried they forgeneralized orange hardish down Durch with in The Dutch of the calvinifical plant of w Holland poin the caftern parts of this province, were very infighiffcant, and only supplied by their ministers from New York and Long-Island, twice on thrice a year, (except Hackinfack, who had one Burrolf festled among them) until about the year 1710 when those of Someries, Middlesex, and part of Hunterdon jointly applied to Holland for a minister, from whence came Theodorus Jacobus Freelinghausen, who officiated among We dodding a distance short in short them,

## OF NEW-JERSEY.

them, and was the chief means of citablining leveral tongregations in those parts: Since which the number of their ministers is increased to fourteen or lifteen in the eastern division; and each of them do for the most rain fupping rwo or three different congregations.

BERGEN,
By the act of 1700, is bounded from Constable-Hook, along the bay and Hudion's river, to the partition point between New-Jerley and New-York; thence along the partition line between the faid provinces, and the division line of East and West-Jersey. to Pequaneck river in thence down that and Pallaick river to the found; and thence to the place first nameds Its fituation on Hudson's river, opposite and adjacent to New-York, opens an advantageous intercourse with that market; their lands are generally good for grafts wheat, or any other grain. The Schuylers have here two large parks for deer. The inhabitants of the county, being the descendants of the low Dutch or Hollanders, that originally festled there, under the Dutch title, preserve the religion of their ancestors, and worthip after the manner of the reformed churches in the united provinces in principle prefbyterians; yet in subordination to the classis of Amsterdam & Their language in generall bears the Durch accent a por have they forget the quitoms of Holland of They have of houses for worthing Dutch calvinists fever Dutch lutherans two. In this country are the Schaylers Infines. Sixtemmiles above Newark in Hiffen, on the opposite fide of Second Rivery in Bergen, is the remarkable Paffaick falls, the precipice from the highest part of the rock, is supposed to be about feverty feet perpendicular. In this county was born the late famous col. telepland for a minufer, from whence came Theodo

. See p. 61.

as Freelinghaulen, who officiated amount



A.D. 1765

Peter Schuyler, who died in 1762, aged about fifty-two years: He was a younger fon of Aarent Schuylen the discoverer and first owner of the mines above mentioned. He had the command of the province froms. against the French of Canada, in divers campaigns in the two last wars; and by the best judges of military merit, was allowed to rank high in that character! He had qualities befides, that greatly recommended him to his acquaintance, being of a frank, open be haviour, of an extensive generolity and humanity, and unwearied in his endeavours to accomplish whatever appeared of fervice to his country : He was taken at Ofwego, when that post was given up to the French. and long detained a prisoner in Canada; where having lemers of credit, he kept open house for the relief of his fellow fufferers, and advanced large fums to the Indians, in the French interest, for the redemption of captives; many of whom he afterwards, at his own expence, maintained whilf there, and provided for their return; trusting to their abilities and honour for repayment, and loft confiderable that way; but fermed to think it money well bestowed : As to person he was of a tall hardy make, rather rough at a first view, yet a little acquaintance discovered a bottom of singerity. and that he was ready to every kind office in his power: In conversation he was above artifice of the common traffick of forms, yet feemed to anjoy friendship with be he was. Matth. vii. 20. what he feemed to Jop the hole he creeps in and out as with leaves; he mostly

keeps in his hur, but for norlivid mestal. hes on the ground and cannot be persuaded to work youth, nor lobliged without

# moderne begelde on down from or behaving the profession and B.U.R. L.I.N. G. T.O. Not for some on the man and the

For the first boundaries and settlement of this county, fee chap. vi. It was limited by the act of 1709, and afterwards curtailed by another act, Vol. i of laws, p.41. The detaut over the detaut over the

The city of Burlington was laid out in 1679 A DA and early incorporated; but the charter new in beingev was granted by governor Coffy: The Delaware before it about a mile broad, forms a convenient balon for hipping seits fituation for made is good; but eclipted by the growing advantages of its opulent mighbour, the city Philadelphia And The land and air is gooden where the houses chiefly fland, is an ifland with two entrances on caufeways, and a quantity of drain'd meand dows adjoining; but long experience has proyed shem! not unhealthy : The courts for the county are held here; the legislature of the province meet alternately's at Amboy and here withe supreme courts are held in the fame manner: The council chosen by the generals proprietors of Well-baley to transact their buliness always meet here. [ See chap win] In this place is HID a promiting library, the contributors are incorporated by charter; Belides the town aforelaid, there are two others; ten mile further up Delaware, is Borden Town founded by Joseph Borden; on a branch of Northampton or Rankokas river, is Bridge Town, on Mount to vilotit a oney well bellowed . As to person he was

o. Four miles from hence, a recluse person who came a stranger has existed alone, near twelve years, in a thick wood; through all the extremities of the form. the extremities of the feafons, ander cover of a few leaves, supported by the fide of an old log, and put together in the form of a fenall I oven, not high or long enough to stand upright or lie extended; he talks Dutch, but unmeelligibly either through design, or from defect in his intellects, tis hard to tell which struckens he came of what he is, no body about him can find out; he has no contrivance to keep fire, nor uses any; in very cold weather he lies naked, tops the hole he creeps in and out at with leaves; he mostly keeps in his hut, but fornetimes walks before it, lies on the ground, and cannot be perfuaded to work much, nor obliged without violence to forfake this habit, which he appears to delight in, and to enjoy full health; when the woods and orchards afford him no nuts, apples, or other relief as to food, he applies now and then for bread to the neighbourhood, and with that is quite fatisfied; he refuses money, but has been frequently cloathed by charity; he feems to be upwards of forty years of age; as to person rather under the middle fize; calls himself Francis.

<sup>1.</sup> Seventeen miles distant by land, twenty by water.

A- D.

Holly :9. In this county also are the villages of Kingfbury, Croffwicks, New-Hanover and Cheffer, or Moore's-Town: The arable land is generally but indifferent; yet interspersed with quantities of good meadow, renders them profitable: Pork is the ftaple; of which a large quantity is raised for the West-India market, and has defervedly gained reputation through all the islands : Beef, mutton, cheese, butter, &c. are carried to Philadelphia markets: Very little hemp or flax is raised in this county, or indeed through the province, the inhabitants contented with a little, (very little in fome places) for their own use, have generally reserved their gains on other productions, for purchasing their chief supply of these and woollen articles of European manufacture; labour is thought too high to increase it much, and the climate not fo favourable as in some In this county are the In han fettlements other places. of Brotherton and Weekpink: (See chap. xxiii.) Of places for worship, the people called quakers have fifteen, episcopalians two, baptists one, presbyterians one. [See a note p. 69.]

## GLOUCESTER,

First laid out in 1677, had its boundaries ascertained by the act of 1709, beginning at the mouth of Pensaw-kin creek; thence up the same to the fork thereof; thence along the line of Burlington county to the sea; thence along the sea-coast to great Egg-Harbour river; thence up that river to the fork; thence up the southermost and greatest branch of the same to its head; thence upon a direct line to the head of Oldman's creek; thence down the same to Delaware river; thence up that river to the place of beginning. Its situation opposite and contiguous to Philadelphia, gives great opportunities

107 100

that market; the their uplands as to the general are poor, the meadows are good and improve falt: They raife beef, pork, mutton, butter, cheefe, &c. They have three villages, Gloucester, Haddonfield and Woodbury; at the first the courts for the county are held. Of houses for worship, the people called quakers have seven, the presbyterians sive, episcopalians one, Sweeds lutheran one, baptists one, moravians one.

converse and although the Mannes sich an beiter al

Named by John Fenwick, and diftinguilhed by his tenth, in 1675: The name and jurildiction fettled by a proprietary law, 1694: The boundaries were fixed in 1709, but altered by act of affembly, in 1747. Vol. 1 of laws, p. 14, 201. Their lands and meadows are rich, and productions of any kind, natural to the climate, plenty: The chief they raise are beer, sheep, pork, butter, cheese, and grain, for exportation. It being an old settlement, the improvements are considerable as to plantations: The county business is transacted at the town of Salem, which formerly sent two members to the general assembly; but in 1727, these were given to Hunterdon, and their right of choice suspended till two additional members were added to the eastern division. Places for worship are, quakers four, epitcopasians two. Dutch sutheran one, presbyterians three, baptists two.

# OUMBERLAND, Service of

So named by governor Belcher, in respect to the duke of Cumberland; it was divided from Salem by act of assembly in 1747, and the boundaries fixed, (see vol. 1. of laws, p. 361.) the land is mostly poor; but they have good meadows and marshes; being a

TICH

r. Here is a publick library, was to see a see

A. D. 1765. new settled county, these are not yet greatly improved, they raise cattle and sheep for graziers; the county are held at Cohansick creeks or Hopewell. In this county besides is the village of Greenwich: They join with Salem in the choice of two representatives; Places for worship are, episcopalians one, presbyterians tour, baptists two, seventh day baptists one, quakers one,

refides John KYKM PE A PAS prefident

Was first made a county by a proprietary law in 1692; by another in 1694, had its boundaries better ascertained; and by the act of 1709, they were fixed to remain, beginning at the mouth of a small creek, on the west side of Stipson's island, called Jecah's creek, up the faid creek as high as the tide floweth; thence along the bounds of Salem, now Cumberland county, to the southermost main branch, of great Egg-Harbour river; thence down the faid river to the fea; thence along the sea-coast to Delaware bay; thence up the bay to the place of beginning; the land is generally poor, but the adjoining falt marshes serve to breed cattle and horses; these with the red cedar beaches, and fish and oysters, with which the coast abounds, afford the inhabitants an easy maintenance; the county is divided into three precincts; the presbyterians have a place for worship in the first; the baptists in the second; the quakers in the third, being that hext to the lea.

### one, quake Moo Genra Ton UH cons

Was divided from Burlington by act of affembly, in 1713, and named by governor Hunter; the boundaries were then fixed, but altered in 1738, (See vol. 1 of laws, p. 41, 250.) It is fituate along the Delaware, above the tide, and the one of the later fettlements.

q. This creek was called by John Fenwick, Cæsarea river, part of the province name, as being the most considerable creek that puts out of Delaware into West-Jersey.

ments, is the most populous and opuleht county in the province. The land is generally good fortillage, wheat, the staple; their flour is carried to New-York and Philadelphia markers: The courtsare held at Trenton, a place of concourse and lively trade? It stands at the stead of the tide, and in a high pleasant situation; the inhabitants have a publick library. In this county resides John Reading, Esq. late president of the council, and twice commander in chief on the deaths of the governors Morris and Belcher: The counties of Morris and Sussex join Hunterdon in the choice of two representatives. Of places for worship, the presbyte-rians have nine, the low Dutch ditto one, German ditto one, episcopalians three, quakers two, baptists two.

# ratong the bounds 2 1 3 19 O'M Cambersand county.

Was made a county in 1738; and the boundaries then established by law; but altered by the separation of Sussex, in 1753. (Laws, vol. 1, p. 253. Vol. 2. p. 20.) It was named by governor Morris, after his family: This, for a late settled county, is populous: The courts are held at Morris-Town: They taile grain and cattle chiefly for New-York market, and cut large quantities of timber of various sorts for exportation: In this county resides Peter Kemble, Esq. president of the council. The places for worship in this county, are, presbyterians nine, sutherans one, anabaptists one, quakers one, separatists one, rogereens one.

# and name, X 3 & LUS I Longe

Was named by governor Beleher, after the duke of New-Castle's seat in Sussex: It was divided from Morris by act of assembly, in 1753, and bounded by the mouth of Muskonetkong, where it empties itself into the Delaware, and running up that river to the head of the great pond; thence north-east, to the line K k 2

A. D. 1765.

that divides New-York and New-Jersey; thence along the faid line to Delaware; thence down the fame to the place of beginning. It being the newest county, and a frontier, the is not much improved, and has but few inhabitants: It lies towards the head of Delaware about fifteen miles was exposed to the Indians in the late wars, and fortified by a frontier guard, and feveral block-houses, at provincial expence. The courts for the county are held at Hairlocker's plantation, where a new court-house is lately built: Near the river lies the noted Paoqualin hill, being part of the continental chain or ridge, called the blue mountains, fupposed to contain valuable ore: Between that and the river, is low intervale excellent land, containing a few plantations. This county raifes some wheat, pork and cattle, for New-York and Philadelphia markets, and cuts lumber: It contains of low Dutch presbyterian meeting houses five, baptists two, German lutherans one, quakers one.

# Of COURTS was to body Me

These are; First, chancery: Second, the governor and council: Third, the prerogative court, relating to the probate of wills, and granting letters of administration on intestates effects: Fourth, courts of vice admiralty: Fifth, supream courts held four times a year, alternately at Burlington and Amboy, and circularly through the counties generally once a year, or oftener if occasion! Sixth, the sessions, and court of common pleas, for business in the respective counties: Seventh, the justices court, for trial of causes of six pounds and under, in a summary way; these causes are not allowed to be legally decided by a single justice at a tavern, the act expressly barring against it; for debts above forty shillings

few settlements.

fhillings, a jury of fix is allowed, if defired. The governor is chancellor. The prefent justices of the supream court are, Frederick Smyth, Esq; chief justice; salary one hundred and fifty pounds per annum. Charles Read, Esq; second justice; salary fifty pounds per annum. John Berrien, Esq; third justice; salary fifty pounds per annum. Ten pounds is allowed for annum of the circuit course to the index holding the same

each of the circuit courts, to the judge holding the same.
All the courts are established in virtue of the royal commission; none (except the six pound court) by act of assembly; The common law is in use as in England: The customs and rules of legislation, and practices of the courts, are as near as may be, in the English model;

the courts, are as near as may be, in the English model; the latter is thought to be as much so, by good judges, as that of any other colony: Appeals for sums above two hundred pounds sterling, lie home, after having gone through the courts here. Vid. 86th instrustion, p.

255.

Method of appealing from the plantations, to the king in council, by fir Dudley Ryder, attorney general, afterwards L. C. J. of England.

"You are to bring your cause to trial, in the chief court or jurisdiction for trial thereof; and if judgment shall be there given against you, then by your attorney, you are to appeal in open court, within fourteen days, to his majesty in council from the said judgment; and you are to obtain an entry thereof in the register of the court, at the same time offering security to prosecute such your appeal before his majesty in council, within twelve months, and to abide by his majesty's determination in council therein: You are also to obtain authenticks copies, under the publick seal of the province, of all papers and evidences produc'd in your trial, and of all entries, records thereupon; which being done, you are within twelve months;

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A. D.

to have the same transmitted here, and to pertion his majesty in council, setting forth the whole matter, and pray to be heard thereupon: But in tase you shall be refused in the province to be admitted to appeal, you are then likewise to petition his majesty in council, setting forth the whole matter, and to pray, that your appeal may be admitted there; where, upon his majesty's admitting your appeal, you are to give security as before, and order will be then given for admitting the said appeal, and for the transmitting hither authentick copies of the papers and records, under the publick seal of the province, in order to the hearing all parties thereupon.

### OF BE ANSITES. YadT : mod

The wild beafts, birds and fish, are those common to the rest of the continent; some of the colonies have much greater variety: Of the sirst, the panther, deer, bear, woolf, wild-cat, fox red and grey, raccoon, otter and a sew beaver, are the chief: Old settled places have but sew of those most voracious; the small thibe of squirrels, rabbits, minks, ground-hogs, &c. are numerous: The deer in every county are plentier than one would expect; they breed but once a year, with two at a time; great numbers are destroyed by traps, and hunting, and by panthers, wild eats, and sometimes wolves: The way the two sirst take to essent it,

w. The enormous iron traps used for deer, with their wide jaws of destruction, are abhorrent to the common principles of humanity: There is no safety for man or beast where they are; have to appearance well calculated, seem hitherto inessectual in restraining them, tho' so extreamly and commonly dangerous; till active men in neighbourhoods, will unite to exert themselves, and make it a common concern to discourage them, 'tis seared the danger will remain: Still worse is the practice of setting sharp stakes and loaded guns; these are scarcer, but ought to be justly detected, as below the rights of humanity, even with respect to hrutes, and as common masness to mankind, where ever they are.

1765.

may be known by an infrance near Croffwicks, 1748, An Indian hunting, discovered a large buck feeding, creeping to shoot, he heard fomething among the bushes, presently saw a panther with his eyes so intent on the buck, that he did not perceive him: the Indian watching his motions, observed, that while the buck had his head down to feed, the penther crept, but when he held it up, lay foug; he at last got unperceiv'd, within about twenty feet, and then making a desperate leap, fixed his calons in the buck's neck; after he had nearly kill'd him, he would cease for a minute, give a watchful look round, and then fall to haking again; having done his work, and about to draw the carcass to a heap of leaves for future service, the Indian shot, and got both: They fometimes take their prey by fuddenly jumping out of trees; fo the wild-cats also commonly effect it; these fix on young cattle so eagerly, as to be fometimes brought home on their backs: Some inftances of the wolves killing deer, have been known; tho' but feldom, and chiefly by accident: The bucks also kill one another in fighting, by entangling in the horns, and fo die and rot; they have been taken alive fo fasten'd, and the horns of others found: The deer are fometimes white, and fometimes spotted nearly like the common colour of fauns; but these are rare; brown is .. and hunting, and by panthers, wil nuclos laulu ad

The rattle fnake, as the country fettles thick, are but little known; many old inhabitants have never feen them alive: The mischief they have yet done, is inconfiderable, their power and opportunities confidered:

This is remarkable, they have an attenuating charms.

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viceanly and commonly dangerous; oil

x. A person having one taken alive, and brought in a small basket cover'd, the man that brought it, fat with the basket between his knees; he wantonly took off the cover; the snake caught his attention; he was immediately surprisingly affected, and express d afterwards every thing attractive, as to the penetrating force of the

A. D.

in their eyes; the venom of their bite is perhaps 1765. without comparison; yet their power is happily circumfcribed in a way the most effectual, that is, by not having a will to mischief equal to the means, otherwise there would, in some places, fearcely have been any living among them; at least before amidotes were difcovered by the Indians: Formerly they were thick and plenty in particular places; and yet in the new fettled parts, are common, especially in the spring, when from their winter's retreat, they prepare for a summer's feparation: A furveyor, with his eye on a distant object unawares among a parcel of thefe, one would think in a poor fituation; yet an inftance of this but lately happened: He had taken a long view in the spring on the fouth of a hill, and keeping his eye to the object, without attending fo much to his feet, was first alarm'd with a fmell rank and difagreeable, and then an unufual noise, on which, looking about, he saw the leaves in motion, and woods alive with rattle-fnakes; the got off by care in his steps, without harm. They choose De plant Charles Should for

> fnake's eye, the fnake all the while kept rattling with fury; the man's own action was lost in amazement and terror; and had not another present, put the cover on the basket, he had probably been voids are lodge is the hour wrestures

y. Half a dozen or lefs, with their tails in motion, might answer this purpose; but he was too much frighted to count; there might however be many more, as there frequently are numbers together, when they fifst leave their holes in the spring. One Robins, in Amwell, Hunterdon county, at a spot on his own plantation, had upwards of 90 kill'd in each of three springs successively: The parties performing it, bank'd young chesnut trees of the size of their own legs, and tied them on; thus accourred, they effected their business withour much danger; but the spakes frequently bit the bark. Inflances need not be multiplied in a cafe well known; or others where the fnakes were much more numerous, might be given. At one of the quarries, where stone was got for Frince-Town college, the work-men came to an aperture in the rock, about found near twenty bushels of snakes bones; they were supposed to have got in through winding crevices of the rock in the fall, and in their weak state, in the spring, not able to get our again. and away

for winter, the funny fide of hills, among rocks, where these can be had, or holes under trees, and in springy warm places: There have been dug up in their torpid flate, different forts of fnakes interwoven among one another, in great regularity, with their heads uniformly flicking out at the top: They obtain much of their food by ftriking a terror with their rattle at first, and then catching the eye of the frighted object. It is commonly faid, that this (the rattle) is a kind contrivance of divine providence, to give warning to paffengers, by the noise which this part makes, when the creature moves, to keep out of the way of its mischief; now this is a miltake. It is beyond all dispute, that wildom and goodness shine forth in all the works of the creation; but the contrivance here is of another kind than is imagined.

All the parts of animals are made either for the prefervation of the individual, or for the propagation of its species; this before us is for the service of the 'individual: This fnake lives chiefly upon fquirrels. and birds, which a reptile can never catch without the advantage of fome management to bring them within its reach; the way is this; the fnake creeps to the foot of a tree, and by shaking his rattle, awakens the little creatures which are lodged in it; they are fo frighted at the fight of their enemy, who fixes his lively piercing eyes upon one or other of them, that they have no power to get away, but leap 'about from bough to bough, till they are quite tired, and at last falling to the ground, they are inapped into his mouth. This is by the people of the country called charming the squirrels and birds.

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z. It is reported, with circumstances of great credibility, that the Indians here had a method of taking these animals, by the meer charm of fixing their eyes, whence they have by degrees leaped down into possession.

A. D.

f It must likewise be observed, that this snake does not make any noise with its rattle, in the common motions of its body.

There is fomething like this in the lion's hunting for his food; the hungry tyrant, by his terrible roaring in the woods, rouses the lesser beasts out of their holes; they running about in fright and surprise, are easily seized, and become a prey to his devouring jaws.

And I have myfelf feen, upon a hawks fettling upon a tree in a garden, the little birds all about it, fo struck with fear, that though they could sty back wards and forwards, for some little distance, yet they have not been able to get away from the ravenous destroyer.

Though the use of the rattle seems principally defigned for procuring food, it has certainly been the means of preservation in respect to mankind; as that alarm is frequently known to warn the musipecting traveller of imminent danger; that the fascinations of their eye is necessary to their existence, seems beyond a doubt; inactive and sluggish by nature, they have but little other probable means, and have been seen and kill'd in the act even with soxes detained in this manner. No instance occurs of their hurting men, unless first

60. here may be feen an accurate defeription of the head and teeth.

For an exact view and defeription of the fnake, for Carefor's Nat.

Hift: and supplement to the Good. Mag. for 1793.

after the other, working rach apart in his mouth as a man does a wafer

b. A person of undoubted credit relates of his own knowlege, two instances of this attended with such circumstances, as leaves very little room for doubt. 'In the end of May, 1715, stopping at an orchard by the road side to get some cherries, being three of us in company, we were entertained with the whole process of a charm between a rattle-snake and a hare, the hare being better than half grown. It happened thus; one of the company in his fearch for the best cherries espied the hare litting, and although he went close by her she did not move, till he (not suspecting the occasion

neutring title this in the hon's hunting

A. D. 1765.

cocation of her gentlenels) gave her a lash with his whip; this made her run about ten foot, and there fit down again. gentleman not finding the cherries ripe, immediately returned the fame way, and near the place where he struck the hare, he spied a rattle fnake , ftill not suspecting the charm, he goes back about twenty yards to a hedge to get a flick to kill the inake, and at his treturn found the inake removed, and coiled in the same place from whence he had moved the hare. This put him into immediate thoughts of looking for the hare again, and he foon spied her about ten foot off the fnake, in the fame place to which the had Azzted when he whipt here she was now lying down, but would fometimes raise herself on her fore-feet struggling as it were for life or to get away, but could never raise her hinder parts from the ground, and then would fall flat on her side again, panting vehemently. In this condition the hare and Inake were when he called me: and though we all three came up within fifteen foot of the fnake to have a full view of the whole, he took no hotice at all of us, nor formuch as gave a glance towards us. There we flood at least half an hous, the snake not altering a jot, but the hare often struggling and falling on its side again, till at last the hare lay still as dead for some time. Then the snake moved out of his coil, and flid gently and smoothly on towards the hare, his colours at that instant being ten times more glorious and shining than at other times. As the snake mov'd along, the hare happened to seach another struggle, upon which the snake made a stop lying at his length, till the hare had lain quiet again for a thore pace; and then he advanced again till he came up to the hinder parts of the hare, which in alkthis operation had been towards the fnake; there he made a survey all over the hare, raising part of his body above it, then turn d off and went to the head and note of the hare, after that to the ears, took the ears in his mouth one after the other, working each apart in his mouth as a man does a wafer to moisten it, then returned to the nose again, and took the face into his mouth, Araining and gathering his lips fometimes by one fide of his mouth, fametimes by the other; at the shoulders he was a long time puzzled, often haling and firetching the hare out at length, and firaining forward first one side of his mouth then the other, till got at last he the whole body into his throat. Then we went to him, and taking the twist band off from my hat. I made a noose and put it about his heck. This made him at length very furious, but we having secured him, put him into one end of a wallet, and carried him on horseback five miles to mr. J. R's house where we lodged that night, with a design to have sent him to dr. C. at Williams-burg; but mr. B. was so careful of his slaves, that he would not let him be put into his boat for sear he should get loose and mischief them ; 10/10/00

A. D.

drawing a foot, so as to touch one, as he lay coiled among the grass, he bit him behind the ancle; the first

them; therefore the next morning we killed him, and took the hare out of his belly, the head of the hare began to be digered, and the hair falling off, having lain about eighteen hours in the faske's belly!

In my youth I was a bear hunting in the woods above the inhabitants, and having straggled from my companions. I was entertained at my return, with the relation of a pleatant rencounter, between a dog and a rattle inside; about a spiritel. The snake had got the head and shoulders of the squired into his month, which being something too large for his throat, it took him up some time to moissen the sure of the squirred with his spawn, to make it slip down. The dog took this advantage, seized the hinder parts of the squirrel, and tug'd with all his might. The snake on the other side would not let go his hold for a long sine, till at last, searing he might be bruised by the dog's running away with him, he gave up his prey to the dog the dog eat the squirrel, and selt no harm.

Another curiofity concering this viper, which I never met with in print, I will also relate from my own observation.

'Some time after my observation of the charm, my waiting boy being sent abroad on an errand, also took upon himself to bring home a rattle snake in a noose. I cut off the head of this snake, e leaving about an inch of the neck with it; this I laid upon the head of a tobacco hoghead, one S. L. a carpenter, now alive, being with me. Now you must note, that these foakes have but two teeth, by which they convey their poilon, and they are placed in the upper jaw, pretty forward in the mouth, one on each fide; these teeth are holow and crooked like a cock's four; they are also loose or springing in the mouth, and not fastened in the Jawbone as all the other teeth are; the holfow has a vent also through by a small hole a little below the point of the tooth; these two and don't thrink up as the talons of a cat or panther; they have also over them a loose thin film or skin of a fieth colour, which rises over them when they are raifed, which I take to be only at the will of the fnake to do injury; this fkin does not break by the " rifing of the tooth only, but keeps whole till the bite is given, and then is pierced by the tooth, by which the polion is let out. The head being laid upon the hoghead, I took two little twigs or fplinters of flicks, and having turn'd the head upon its crown, opened the mouth, and lifted up the fang or fpringing tooth on one fide several times, in doing of which Tat last broke the skin; the head gave a sudden champ with its mouth, breaking from my flicks, in which I observed that the poison ran down in a lump like oyl, round the root of the tooth. Then I turn'd the other fide of

notice the man had, was feeling fomething prick in that fpot; on which turning his head, he faw the fnake; another in company immediately killed him, and fetching falt, that applied, prevented the venom spreading much higher than the knee; he afterwards used fweet oil, and the feneca rattle fnake root; the laft he thought the most effectual . He got well in a few days; a fmall fear remained nan and a taw t die o can

Thomas Budd, a proprietor and fertler in West Jersey, in a pamphlet, published about 1686, fays, The rattle fnakes are eafily discovered they com-'monly lie for the paths, for benefit of the fun; if any person draws nigh them they shake their tail, on which the rattles grow, this makes a noise like a 'child's rattle: I never heard of but one person bitten in Pennsylvania or New-Jersey; he was helped by 'live chickens flit afunder and applied to the place, which drew out the portion : "As to other fnakes, the 'most plentiful are the black fnake; its bife 'tis faid, does no more harm than the prick of a pin." sand stars Make on as once. I cut off the load to the App that the control of the control of

the head, and refolved to be more careful to keep the mouth open on the like occasion, and observe more narrowly the consequence; for it is observed, that though the heads of snakes, terrapies and such like vermin, be cut off, yet the body will not die in a long time after; the general laying is till the fun fees After opening the mouth on the other fide, and lifting up that fang also several times, he endeavoured to give another bite or champ; but I kept his mouth open, and the tooth pierced the film and emitted a fiream like one full of blood in blood-letting, and cast some drops upon the fleeve of the carpenter's shirt, who had no waitcout on. I advised him to pull off his shirt, but he would not, and received no harm; and the nothing could then be seen of its upon the shirt, yet in washing there appeared ave green specks, which every washing appeared plainer, and lasted so long as the fairt did, which the carpenter told me was about three years after. The head we threw afterwards down upon the ground, and a fow tame and eat it before our faces; and received no harm. Now I believe, had this poifon lighted upon any place of the carpenter's fkin, that was scratched or hurt, it might have poisoned him. liake the poison to reft in a small bag or receptacle in the bollow at the root of these teeth; but I never had the opportunity afterwards to make a farther discovery of that. Beverly's Hift. of Virg. 1. 262, to 266.

A. D.

The wampum fnake is very large, of a black and white colour; but harmless. The horition horned fnake is fcarce, and but few have feen them, whence many, especially abroad, have doubted there being any fuch: A person of credit in Gloucester county, being in the woods not long fince, and approaching a place where his dog was uncommonly barking, difcovered a very large fnake, and trying to kill ic amintollerable french prevented his getting tiest onough; at length he threw a club at a venture, and going next day to fee the effect, found the make killed. It was uncommonly long and thick, and had a fform at the end of his tail, refembling a cock's four. It is faid they ftrike this horn even into trees, and kill them. A person of credit now living in Burlington county, also relates, that he has feen four, kill'd three of their Inakes, c. one of them were fix or feven feet long: A to colour, they are chequered with a yellowish brown and white, and when diffurbed, his like a goofe. These particular instances were here preferred to a more general account, as more likely to contribute towards putting their existence out of dispute. The viper and many other fnakes abound alfo; but none remarkable enough to require a particular description here.

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These in great variety, are plenty along the coast in the Delaware and the north river; the most note are, sturgeon, rock, cod, sheep's-head, horse-macked black-fish, sea-bass, slounders, shad, herrings, most ches, trout, pike, perch, red perch, sun-fish, man inferior forts; besides, oysters, clams, and other she sish: Most of these supply in great part the New-Yor and Philadelphia markets: The sturgeon are plent

e. His fon-kill'd one this present summer 1765.

A. D. 1758.

up the rivers, and when more generally manufactured, will probably answer well in remittances of its faid they will grow fat in ponds, and live through the many, efpecially alread have doubted their stniw

any such: A performed credit in Gloucester count

being in the woods not for like, and approaching Of these there are great plenty; as the wild turkey, wild geefe, wild ducks of many kinds, wild pigeons, brant, phoasants, heath-hen, partridges, larks, woodcocks, plovers, fnipes, kildees, and great variety of other small birds, a few storks and cranes, many herons, hawks, turkey-buzzards, crows, and all other birds of prey common to the continent: The wild geele, in autumn, flock to the marthes on the feathore, and are often kill'd by gunners; in the fpring, they return to breed at the northern lakes. The wild pigeons, at three or four featons, in the year, commonly pay a visit (except in seed time) generally acceptable; They have not been observed of late years so plenty as formerly; they then, fometimes, to avoid the north-caft forms, flew night and day, and thick enough to darken the air, and break trees where they fettled, and were more tame and more wanted; all which made them an micle of confequence to the early inhabitants: The Indians, before the European settlements, used every year regularly to hurn the woods, the better to kill. der; the manner was to furnound a fwamp; or cripple with fire, then drive the deer out, who not during over the bounds, were easily kill'd with bows and arrows; this practice kept the woods clean, for that the pigeons readily got acorns, which then not being devour'd by hogs, were plenty almost every where, and induced a return more frequently than now: They breed chiefly to and Philadelphia markets. The flui brawdron ad

APPENDIX.

#### Traceut line of a NUMBER

The concessions and agreement of the lords proj the province of New-Grefarca, or New-Jericy le and with all and every of the adventurers, and all fuch as shall settle or plant there. entering the new cited

A. D. 1664.

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ametric from charge

LMPRIMUS, We do confert and agree, that the governor of the faid province hath power, by the advice of his council, to depute one in his place, and authority, in case of death or removal, to continue until our further order, unless we have commissed

and before.

2. Item. That he hath likewife power to make choice of and take to him fix councellors at least, or twelve at most or any

take to him fix councellors at least, or twelve at most or any even number betwixt fix and twelve, with whose content and advice, or with at least three of the fix, or four of a greater number (all being lummon'd) he is to govern according to the limitations and inftractions following, during our pleasure.

3. Item. That the chief secretary or register which we have chosen, or shall choose, (we failing that he shall choose shall keep exact entries in fair books, of all publick affairs: And to avoid deceits and lawsuits, shall record and enter all grants of land from the lords to the planters; and conveyances of land, house or houses, from man to man, as also all leases for land, house or houses, made or to be made by the landlord to any tenant, for more than one year; which conveyance of lease shall be first acknowledged by the grantor or lessor, or proved by the oath of two whitestes to the lease or conveyance, before the governor, or some chief judge of a court, for the time being, who shall under his hand, on the backing of the faid deed or lease, attest the acknowledge ment or proof as aforesaid; which shall be a warrant for the register to record the same: Which conveyance so recorded shall be good and enertial law, notwithstanding any other conveyance, deed or lease for the said land, house or houses, or for any part thereof, altho dated before the conveyance, deed or lease, recorded as aforesaid. And the said register shall do all other thing or things that we by our instructions shall direct, and the governor, council and general affembly shall ordain, for the good and welfare of the said province.

4. Item. That the surveyor general that we have chosen or shall choose, (we failing that the governor shall choose shall have posses

4. Item. That the firveyor general that we have cholen or hall choose, (we failing that the governor shall choose) shall have pour by himself or deputy, to survey, lay out and bound all such lands as shall be granted from the lords to the planters; and all other lands within the faid province, which may concern particular men, as he shall be defired to do, and a particular account thereof certify

to the register, to be recorded as aforesaid. Provided, that if the said register and surveyor, or either of them, shall misbehave themselves, as that the governor and council, or deputy governor and council, or the major part of them, shall find it reasonable to suspend their actings in their respective employments, it shall be lawful for them so to do, until further orders from us.

furveyor, and all other officers of truft, shall swear or subscribe (in a book to be provided for that purpose) that they will bear true allegiance to the king of England, his heirs and successor; and that they will be faithful to the interests of the lords proprietors of of the said province; and their heirs, executors and assigns; and endeavour the peace and welfare of the faid province; and that they will truly and faithfully discharge their respective trust, in their respective offices, and do equal justice to all men, according to their best skill and judgment, without corruption, savour or affection; and the names of all that have sworn or subscribed, to be entered in a book: And whosoever shall subscribe and not swear, and shall violate his promise in that subscription, shall be liable to the same punishment that the persons are or may be, that have sworn or broken their paths.

6. Item. That all persons that are or shall become subjects of the king of England, and swear or subscribe allegiance to the king, and suthfulness to the lords, shall be admitted to plant, and become seemen of the said province, and enjoy the freedoms and immunities hereaster express d, until some stop or contradiction be made by as the lords, or else the governor, council and assembly; which shall be in sorce until the lords see cause to the contrary: Provided, that such stop shall not any ways prejudice the right or continuance of any person that have been received before such stop or orders come

from the general affembly.

7. Item. That no person qualified as aforesaid, within the said province, at any time shall be any ways molested, punished, disquieted or called in question, for any difference in opinion or practice in matters of religious concernments, who do not actually disturb the tivil peace of the said province; but that all and every such person and persons, may, from time to time, and at all times, freely and fully have and enjoy his and their judgments and consciences, in matters of religion, throughout the said province, they behaving themselves peaceably and quietly, and not using this liberty to licentionsels, nor to the civil injury or outward disturbance of others; any law, statute or clause contained, or to be contained, usage or custom of this realm of England, to the contrary thereof in any wise notwithstanding.

8. Item. That no pretence may be taken by our heirs or affigus, for or by reason of our right of patronage and power of advousion granted by his majesty's letters patents, unto his royal highness duke of York, and by his faid royal highness unto us, thereby in infringe the general cause of liberty of conscience aforementioned: We do hereby grant unto the general assembly of the said province,

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power by act, to conflitute and appoint, such and so many minifers or preachers as they shall think fit, and to establish their maintenance, giving liberty beside to any person or persons to keep and maintain what preachers, or ministers they please.

g. Item. That the inhabitants being freemen, or chief agents to others of the province aforesaid; do, as soon as this our commission shall arrive, by virtue of a writ, in our names, by the governor, to be for the present (until our seal comes) scaled and signed, make choice or twelve deputies or representatives, from amongs themselves; who being chosen, are to join with the faid governor and felves; who being chosen, are to join with the said governor and council, for the making of such laws, ordinances and constitutions as shall be necessary for the present good and welfare of the said province: But fo foon as parithes, divisions, tribes, and other diffinetions are made, that then the inhabitants or freeholders of the several respective parishes, tribet, divisions and districtions aforesaid, do by our writs, under our feals, (which we ingage shall be in due time issued) annually meet on the first day of January, and choose free-holders for each respective division, tribe or parish, to be the deputies or representatives of the same: Which body of representatives, or the major part of them, shall, with the respective same and the same and th tives, or the major part of them, shall, with the governor and council aforefaid, be the general assembly of the faid province; the governor or his deputy being present, unless they shall will'city refuse; in which case they may appoint themselves a president during the ablence of the governor, or the deputy governor disviblied bas

Which affemblies are to have power

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First. To appoint their own time of meeting, and to adjourn their fessions from time to time, to such times and places as they shall think convenient; as also to ascertain the number of their quorum; provided, the said number be not less than the third part of the whole, in whom (or more) shall be the full power of the general assembly. Secondly. To enact and make all such laws, acts and constitutions as shall be necessary for the well government of the said province, and them to coneal: Provided, that the same be consonnt to reason.

as shall be necessary for the well government of the faid province, and them to repeal: Provided, that the same be consonant to reason, and as near as may be, conveniently agreeable to the laws and customs of his majesty's kingdom of England: Provided also, that they be not against the interest of us the lords proprietors, our beins or assigns, nor any of those our concessions, especially that they be not repugnant to the article for liberty of conscience abovementioned; which laws, &c. so made, shall receive publication from the governor and council, (but as the laws of in and our general assembly) and be in force for the space of one year, and no more; unless contradicted by the lords proprietors; within which time, they shall be presented to us, our heirs, &c. for our ratification; and being consirmed by us, they shall be in continual force, till expired being confirmed by us, they shall be in continual force, till expired by their own limitation, or by act of repeal, in tike manner to be passed as aforesaid, and confirmed.

Thirdly. By act as aforefaid, to constitute all courts, together with the limits, powers and jurisdictions of the same, as also the several offices, and number of the officers belonging to each court, with their respective salaries, fees, and perquifices, their appellation and dignities, with the penalties that shall be due to them, for the

breach of their several and respective duties and truffs.

Fourthly. By act as aforefaid, to lay equal taxes and affeffments equally to raile monies or goods upon all lands (except such as belong to us the lord proprietors before fettling) or persons within the several precincts, hundreds, parishes, manors, or whatsoever other distributions shall hereafter, be made, and established in the said province, as often as necessity shall require, and in such manner as to them shall feem most equal and easy for the said inhabitants, in order to the better supporting of the publick charge of the faid government, and for the mutual fafety, defence, and security of the faid pro-

Fifthly. By act as aforefaid, to erect within the faid province, fuch and fo many manors, with their necessary courts, jurisdictions, freedoms and privileges, as to them thall feem meet and convenient; as allo to divide the faid province into hundreds, parifies, tribes, or inch other divisions and diffrictions as they thall think fit, and the inch other divisions and districtions as they shall think fit, and the faid divisions, to distinguish by what names we shall order or direct, and in default thereof, by such names as they please; as also in the faid province to create and appoint such and so many ports, harbours, creeks and other places, for the convenient loading and inloading of goods and merchandize, out of ships, boats, and other resels, as shall be expedient with such jurisdictions, privileges and franchies, to such ports &c. belonging, as they shall judge most conducing to the general good of the said plantation or province.

Sixthly, By their enacting, to be consirmed as aforesaid, to erect, rule and build within the said province, or any part thereof, such and so many forts, stories, casses, eities, corporations, boroughs, towns, villages, and order places of strength and defence; and them, or any of them, to incorporate with such charters and privileges, as better shall seem good, and the grant made unto us, will permit; and the same, or any of them, to fortify and surnish with such provisions and proportions of ordinance, powder; shot, armour, and all other

and proportions of ordinance, powder, shot, armour, and all other weapons, ammunition and habitiments of war, both offensive and de-

weapons, administration and habitiments of war, both offensive and defensive, as shall be thought neterfary and convenient for the facty and welfare of the faid province; but they may not at any time demanding dismantle, or dismartish the fame, without the confent of the governor and the major part of the council of the faid province.

Seventhly, By act as aforefaid, to constitute trained bands and companies, with the number of foldiers, for the facety, strength; and defence of the faid province, and of the forts, castles, cities, see, and defence of the faid province, and of the forts, castles, cities, see, to suppress all multiples and rebellions, to make war offensive and defensive, with all Indians, strangers and foreigners, as they shall set cause; and to pursue an enemy as well by sea as by land (if need be) out of the limits and surfidictions of the faid province, with the particular consent of the governor, and under his conduct, or of our commander in chief, or whom he shall appoint.

Eighthly, By act aforesaid, to give to all strangers, as to them shall seem meet, a naturalization; and all such freedoms and privileges within the said province, as to his majesty's subjects do of right belong, there says the same strains and the said province, as to his majesty's subjects do of right belong.

within the faid province, as to his majefty's subjects do of right belong, they swearing or subscribing as aforesaid; which faid strangers, so laturalized and privileged, shall be in all respects accounted in the and province as the king's natural subjects.

with the pe nitalist in the fermand respective duties and rolls.

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Ninthly. By act as aforesaid, to prescribe the quantities of land which shall be from time to time allotted to every head, free or fervant, male or female, and to make or ordain rules for the casting of lots for land, and the laying out of the same: Provided, that they do not in their prescriptions, exceed the several proportions which are hereby granted by us, to all persons arriving in the said province, or adventuring thither. province, or adventuring thither.

Tenthly. The general affembly, by act as aforelaid, shall make provision for the maintenance and support of the governor, and for the defraying of all necessary charges of the government; as also the constables of the said province, shall collect the fords rent, and shall pay the fame to the receiver that the lords fhall appoint to receive the fame; unless the faid general affembly shall prescribe some other way whereby the lords may have their fems duly collected, without charge or trouble to them.

Eleventhly, and lastly. To enact, constitute and ordain, all such other laws, acts and conflitutions, as thall or may be necessary for the good profestly and settlement of the faid province excepting what by these presents is excepted) and conforming to the limitations have been excepted.

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The governor is with his council before expressed.

First. To see that all courts established by the laws of the general assembly, and all ministers and officers, civil and military, do and execute their several duties and offices respectively, according to the laws in force, and to punish them for swerving from the laws, or acting contrary to their trult, as the nature of their offices hall

Secondly, According to the conflictation of the general alterally, to nominate and commissionate the several judges, members and officers of courts, whether magistratical or ministerial, and all other civil officers, coroners, &c. and their commissions, powers and autority, to revoke at pleasure. Provided, that they appoint none but such as are freeholders in the province aforesaid, untells the general assembly consent.

affembly confent.

Thirdly, According to the conflitution of the general atembly, to appoint courts and officers, in cases critisinal, and to impower them to inflict penalties upon offenders, against any of the laws in force in the said province, as the said laws shall ordain; whether by fine, imprisonment, banishment, corporal punishment, or to the taking away of member or life itself, if there be cause for it.

Fourthly. To place officers and foldiers for the larety, frength and defence of the fores, caffles, cities, &c. according to the number appointed by the general affembly, to nominate, place and commissionate all military officers under the dignity of the laid governor, who iscommissionated by us, over the leveral train'd Bands and companies, conflituted by the general affembly, as colonels, captains, &c. and their commissions to revoke at pleasure. The governor, with the advice of his council, malefs fome prefent danger will not permit him, to advise to master and train all forces within the faid province, to profecute war, purfue an enemy, suppress all rebellions recman that first go with the held the part where he embarks (or that meet him sethe reader

and mutinies, as well by fea as land; and to exercise the whole militia, as fully as we by the grant from his royal highness can impower them to do: Provided, that they appoint no military forces but what are freeholders in the faid province, unless the general affembly

Fifthly, Where they fee cause, after condemnation, to reprieve, until the case be presented, with a copy of the whole trial, proceedings and proofs, to the lords, who will accordingly either pardon or command execution of the fentance on the offender, who is in mean time to be kept in fafe cuttody, till the pleasure of the lords be known, ame; unless the faid general afferably th

Sixthly, In gase of death or other removal of any of the reprefentatives within the year, to iffue fummons, by writ, to the respecive division or divisions for which he or they were chosen, commanding the freeholders of the same to choose others in their stead.

Seventhly, To make warrants and feal grants of lands, according to those our concessions and the prescriptions by the advice of the general assembly, in such form as shall be at large set down in our instructions

to the governor, in his commission, and which are hereafter expressed.

Eighthly, To act and do all other things that may conduce to the fafery, peace and well government of the faid province, as they hall fee fit; fo as they be not contrary to the laws of the faid pro-

had for the better security of all the inhabitants in the faid province. First. They are not to impose, nor suffer to be imposed, anytax, cultom, fubfidy, tallage, affeffment, or any other duty whatfoever,

spon any colour or pretence, upon the faid province and inhabitants thereof, other than what shall be imposed by the authority and content of the general affembly, and them only in manner as aforefaid. Secondly. They are to take care, that lands quietly held, planted and possessed feven years after its being duly surveyed by the surveyor general, or his order, shall not be subject solany review. refurvey or alteration of bounds, on what pretence dever, by any of us, or any officer or minifer under us office has struct inioq

Thirdly. They are to take care, that no men, if his cattle fray or range, or graze, on any ground within the feid province, not adually appropriated or fet out to particular perfore, shall be liab to pay any trefpass for the fame, to us, our hears, or executors. Provided, that cultom of commons be not thereby presended to, nor any perion hindered from taking up and appropriating any lands to grazed upon, and that no perion do purpolely luffer his cattle to graze on fuch lands.

And that the planting of the faid province may be the more speedily ontitilited by the general allenbatomore clone

First. We do hereby grant unto all persons who have already adventured into the faid province of New-Casaria, or New Jerley, or shall transport themselves or servants before the first of day January, which shall be in the year of our lord, 1665, these following proportions, viz. To every freeman that shall go with the first governor from the port where he embarks (or shall meet him at the rendezyous

he appoints for the fettlement of a plantation, there armed with a A. D. he appoints for the settlement bullets to the pound, with ten pounds 1664. good musket, bore twelve bullets to the pound, with bandalier, and of powder and twenty pounds of bullets, with band matches convenient, and with fix months provision; for his own perform arriving there, one hundred and fifty acres of land, English measure; and for every able man fervant, that he shall carry with him, armed and provided as aforefaid, and arriving there, the like quar one hundred and fifty acres of land, English measure; and who shall fend fervants at that time, shall have, for every able man fervant he or the shall fend armed and provided as aforefaid, and army ing there, the like quantity of one hundred and fifty acres; and for every weaker fervant or flave, male or female, exceeding the age of fourteen years, which any one shall fend of carry, arriving there, feventy five acress of land; and so every christian tervant, exceeding the age aforefaid, after the expiration of their time of levice,

seventy five acres of landsfor their own were interest to the second servers To every matter or mifrole, that that go below one hundred and twenty acres of land, and for every able mar fervant, that he or she shall enery on fend armed and provided as aforefaid, and arriving within the time aforefaid, the like quantity of one hundred and twenty acres of land; and for every weaker years, arriving there, fixty acres of land; and to every chritian fervant, to their own use and behoof, fixty acres of land.

Thirdly, Item, To every free man or free woman, that thall arrive in the said province, armed and provided as aforesaid, within the second

year, from the first day of January 1665, to the first day of January 1666, with an intention to plants 90 acres of land. English measure and for every able man fervant, that he or the thall carry or lend armed and provided as aforefaid, ninety acres of land like measure.

Fourthly, Item. For every weaker fervant or flave, aged as afore faid, that shall be so carried or sent thither within the second year. as aforefaid, forty five acres of land of like mealure; and to ever christian servent that shall arrive the second year, forty five acres of land of like meafare, after the expiration of his or their une

fervice, for their own tile and behoef, and tree woman, amed and provided as aforefaid, that shall go and arrive with an intention of plant, within the third year, from January 1600, to January 1607, armed and provided as aforefaid, three force acres of land of like armed and provided as aforefaid, three force acres of the shall measure; and for every able man fervant, that he or they shall carry or fend within the said time, armed and provided as aforesid the like quantity of three score acres of land p and for every weaks fervant or flave, aged as aforefaid, that he or they hall carry of fend within the third year, thirty acres of land; and to every christian fervant fo carried or fent in the third year, thirty acres of land; and to every christian fervant fo carried or fent in the third year, thirty acre for land of like measure, after the expiration of their une of fervice. All which land, and all other that shall be policifed in the faid province, are to be held on the same terms and condition as is before mentioned, and as hereafter in the following paragraphs as is before mentioned, and as hereafter in the following paragraph

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is more at large expressed. Provided always, that the before mentioned land, and all other whatfoever, that fhall be taken up and fo fettled in the faid province, shall afterward from time to time for the frace of thirteen years, from the date hereof, be held upon the conditions aforefaid, continuing one able man fervant or two such weaker fervants as aforefaid, on every hundred acres a master or mistress shall possess, besides what was granted for his on her own person; in failure of which, upon other disposure to the present occupant, or his affigue, there shall be three years given to such for their compleating the faid number of persons, or for their sale or dispositions of such part of their lands, as are not so peopled within such time of three years. If any such person holding any land, shall fail, by himself his agents, executors or assigns, or some other way to provide such number of persons, unless the general assembly shall without respect to poverty, judge it was impossible for the party so failing, to keep or procure his or her number of servants to be provided for as aforefaid; in fuch case, we the lords to have power of disposing of fo much of fach land as shall not be planted with its due number of perform as aforefindly to some others that will plant the fame. Provided always, that no person arriving in the faid province, with purpose to settle (they being subjects on anturalized as aforesaid) be denied a grant of such proportions of land, as at the time of their arrival there are due to themselves or servants by concession from us as aforesaid a but have full licence to take up and settle the fame, in such order and manner as is granted or prescrib'd. All lands (norwithstanding the powers in the assembly aforefaid) shall be taken up by warrant from the governor, and confirmed by the governor and council, under a feal to be provided for that purpole, in fuch order and method, as shall be fet down in this declaration, and more at large in the influction to the governors and council.

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And that the lands may be the more regularly laid out, and all persons the better ascertained of their titles and possession.

First. The governor and council and general affembly, (if any be) are to take care, and direct that all lands be divided by general lots, none less than two thousand one hundred acres, has more than twenty one thousand acres in each lot, excepting cities, sowns, &c. and the near lots of townships; and that the same believed into seven parts; one seventh pair to us, our home and affigues; the remainder to persons as they come to plant the same, in such proportions as is allowed. The bus of limit radii balance as believed.

Secondly, Rein. That the governor, or whom he shall depute; in case of death or absence if some be not before commissionated by as a aforesaid, to give to every person to whom land is due, a warrant, figured and scaled by himself, and the major part of his council, and directed to the surveyor general, or his deputy, commanding him to say out, limit and bound acres of land, (as his due proportion) is for such a person, in such allotment, according to the warrant; the register having sirst recorded the same, and attested the record upon the warrant: The surveyor general, or his deputy, shall proceed and certify to the chief secretary or register, the name of the person for whom he hath laid out land, by virtue



of what authority, the date of the authority or warrant, the number of what authority, the date of the authority or marrant, the number of acres, the bounds, and on what point of compals the foreral limits thereof lye; which certificate the register is likewise to enter in a book to be prepared for that purpole, with an alphabetical table, referring to the book, that to the certificate may be the referring to the book, that to the certificate may be the referring that the book, that to the certificate may be the referring that the book, that to the certificate may be the referring and then to file the certificates, and the lame, to keep failly in the certificate being entered, a warrant comprehending all the particulars of fand mentioned in the certificate aforefaild, is on he figured and fealed by him and his council, or the major part of them at aforefaild, they having feen the entry, and directed to the register of their feeretary, for his preparing a grant of the land to the party for whom it is laid out; which grant shall be in the form following wind and the lords proprietors of the province of New-Certains for New-

The Lords proprietors of the province of New-Orefaris Day New-Jerley, do hereby grant unto A.B. of the min in the province aforefaid, a plantation, containing that agree, English measure; bounding as in the certificate to hild to him on ber his or her heirs and alligns for ever wielding and paying nearly must the faid lords proprietors, their heirs on allegas, every twenty fath day of March, according to the English accompt, one half penny of lawful money of England, for every of the faid acres, to be holden as of the manor of East Greenwich, in free and common focage, the first payment of which rents to begin the 25th day of March, which shall be in the year of our lord 1670, according to the English accompt. Given under the feal of the faid province, the

in the year of our lord 166 '.

To which instrument the governor or his deputy, hath hereby full power to put the feal of the faid province, and to subscribe his name; as also the council, or major part of them ero to subfcribe their names, and then the infrument or grant is to be by the register recorded in the book of records for that purpose; all which being done according to these instructions, we hereby declare; that the same shall be effectual in law, for the enjoyment of the said plantation, and all the benefits and profits of and in the fame, (except the half part of mines of gold and filver,) paying the rent as aforelaid: Provided, that if any plantation to granted, that by the space of three years, be neglected to be planted with a sufficient number of servants as is before mentioned, that then it shall and may be lawful for us otherways to dispose thereof, in whole or in part, this grant not with standing.

Thirdly. Item, We do also grant convenient propertions of land for high ways and freeds, not exceeding one hundred free in breadth in crites, towns and villages, &c. and for churches, forts, wharfist keys harbours, and for publick houses, and to each parith for the use of their ministers, two hundred ages, in such places as the general affembly shall appoint.

Fourthly. Them, The governor is to take notice, that all fuch lands laid out for the uses and purpoles aforelaid, in the next preceding article, shall be free and exempt from all rents, taxes and other charges and duties whatsoever, payable to use and other taxes and other charges and duties whatsoever, payable to use any other charges and duties whatsoever, payable to use any other charges and duties whatsoever, payable to use the charges and duties whatsoever, payable to use the charges and duties whatsoever.

Fifthly. Item, That in laying out lands for cities, towns, villages boroughs, or other hamlets, the faid lands be divided into feven parts

one leventh part whereof to be by for laid out for us, and the reft to be divided to fuch as shall be willing to build thereon, they paying after the vate of one penny or half penny per acre, (according to the value of the land) yearly to us, as for their other lands as aforeland, which faid hinds in the cities and towns, &c. is to be allured to each policifor by the fame way and infifrument, as is before mentioned. Sixthly I tem. That all rules relating to the building of each freet, resignantity of ground to be allotted to each house within the faid respective cities, boroughs and towns, be wholy left, by act as aforelaid, to the wildow and diffiction of the general affembly. Seventhly, hem. That the inhabitants of the laid province, have free passage throt or by any feas, bounds, creeks, rivers, or rivulets &c, in the faid analytics. Therefore or by which they must necessarily pass in the faid province, through or by which they must necessarily pals

to come from the main ocean to any part of the province aforefaid.

Eighthly and lattly. It shall be lawful for the representatives of the freeholders, to make any address to the lords, touching the governor or council, lor any of them, or concerning any greevance whatsoever, or for any other thing they shall defire, without the content of the governor and council, or any of them. Given under our felt of our laid province, the sort day of February, in the year of our ford 1004 LIFTY Some vent to begin the 25th day of March, which

dar of our lord 1670, according to the English

### day ------ in the vest of our lord 166 To which infraure of Bredombru Un Apury, hath herei-

full power to put the feat of the faid province, and to falled be The concessions and agreements of the proprietors free bolders and inhabitants of the province of West Newbeing done arrarding to thehe influidtions, we arrand the tolar same that he effectual in less for the enjoyment of the faid plantar

WE do coment and agree as the best present expedient, that such. A. D. per sons as shall be from time to time deputed, nominated and, appointed commissioners by the present proprietors, or the major part of them, by writing under their hands and seals, shall be commissioners for the time being, and liave power to order and manage the clare and affairs of the faid province of West New Jersey, according to these our concessions hereafter following, and to depute others in their place, and authority in cise of death or removal, and to continue antillione other persons be deputed, nominated and appointed by the said proprietors or the major part of them, to succeed them in that office and service. And the commissioners for the time being, areas to take care, for fetting forth and dividing all the lands of the faid province as be already taken up, or by themselves shall be taken up, and contracted for with the natives; and the said lands to taken up, and contracted for, to divide into one hundred parts, as occasion shall, require; that is to say, for every quantity of land that they shall from time to time lay out to be planted and settled upon, they shall fast, for expedition, divide the same into ten equal parts or shares,

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A.D. 1676.

and for diffinction fake, to mark in the register, and upon fome of the trees belonging to every tenth part, with the letters A. B. and fo end at the letter K: And after the fame is fo divided and marked, the faid commissioners are to grant unto Thomas Hutchinson, of Beverly, Thomas Pearson, of Bonwicke, Joseph Helinsly, of Great Kelke, George Hutchinson, of Sheffield, and Mahlon Stacy, of Hansworth, all of the county of York, or their lawfol depocies, or particular commissioners, for themselves and their friends, who are a confiderable number of people, and may speedily promote the planting of the faid province. That they may have free liberty to make choice of any one of the faid tenth parts or shares, which shall be first divided and fet out, being also done with their confent; that they may plant upon the same as they see meet; and afterward any other person or persons who shall go over to inhabit, and have purchased to the number of ten proprieties, they shall and may have liberty to make choice of any of the remaining parts or shares to settle in: And all other proprietors who shall go over to fettle as aforefaid, and cannot make up amongst them the number of ten proprietors; yet in nevertheless, they shall and may have liberty to make choice of fettling in any of the faid tenth shares, that shall not be taken up before: And the commissioners have hereby power to fee the said one tenth part, that they shall so make choice of, laid out and divided into ten proprieties, and to allot them fo many proprieties out of the fame as they have order for and the faid, commissioners are to follow these rules, until they receive contrary order from the major part of the proprietors, under their hands and feals,

The faid commissioners for the time being, have hereby power for appointing and fetting out-fit places for towns, and to limit the boundaries thereof; and to take care they be as regular built as the prefent occasion, time, and conveniency of the places will admit of. And that all towns to be erected and built, shall be with the confent of the commissioners for the time being, or the major part of them. And further, the faid commissioners are to order the affairs of the faid province, according to these concessions, and any other instructions that shall be given them by the major part of the proprietors, until such time as more or other commissioners, shall be chosen by the inhabitants of West Jersey, as here in these concessions is mentioned ern and appointed bas are

And it is forther expressly provided and agreed to, that wheress there is a contract or agreement granted by William Penn, Gawen Lawrie and Nicholas Lucas, unto Thomas Hutchinson, Thomas Pearfon, Joseph Helmily, George Hutchinfon and Mahlon Stacy, dated the fecond day of the month called March, 1676, inflant, wherein they grant unto the faid persons, certain privileges for a town to be built, whereby they have liberty to choose their own magistrates and officers for executing the laws according to the concessions within the faid town ; which faid contract or agreement is to be held firm and good to all intents and purposes, and we do by these our concession ons confirm the fame. herebs grade unto als perform which your wink the educate

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nd for definition takes in the regulter, and upon fome, A.D. 1676.

And Dothat sil and every perfon and perfons, may evicy his and the said propriety and purchase of lauds, in the faid province at it is bereby agreed, concluded and ordained, that the surveyor or inversors, that the faid proprietors have deputed and appointed or shall depute and appoint; they failing, that the commissioners shall depute and appoint, or that the general free assembly herdafter shall depute and appoint, shall have power by him or themselves, on discontinuity and appoint, shall have power by him or themselves, on discontinuity and all fuch lands as shall be granted through the proprietors lands, and all fuch lands as shall be granted through any of the proprietors to the freeholders, planners, or inchabitants, and a particular or terror therepy, to certify to the reperion or perions who field go over to inhabitement advert posling

to the number of ten promieties, they thall and may have liberty make choice of any of sillemant of page or shares to fettle in A

THAT heregier upon further fettlement of the faid province, the proprietors, freeholders, and inhabitance, resident upon the faid province, thall and may, at or upon the five and twentieth day of the month called March, which thall be in the year according to the English account, one thouland fix hundred and eighty; and to thence forward, upon the five and amenateth day of March yearly, by the ninth hour in the morning of the faid day, affemble themselves together, in some publick place to be ordered and appointed by the commissioners for the time being and apon default of such appointment, he first place as they shall see medt, and then and there elect of and amongst themselves, see honest and able men, fit for government, to officiate and execute the place of commiffioners for the year enfling, and until fuch time as ten more for the year then how following, shall be elected and appointed: Which faid electrons shall be as followeth, that is to fay, the inhabitants each ten of the one hundred proprieties, shall elect and choose one, and the one hundred proprieties thall be divided into ten divisions or tribes of them. Another one stands of them.

And the faid elections hall be made and diffinguished by balloting trunks, to avoid noise and confusion, and not by voices, holding up of the hands, of otherwise howfoever : Which faid commissioners fo yearly to be elected, shall likewife govern and order the affairs of the faid province, (pro tempore) for the good and welfare of the faid people, and according to their our concessions, until such time as the gelicial free allembly shall be elected and deputed in fuch manner and wife as is hereafter expressed and contained. lated the fecond day of the nionth called March; 1670,

And that the planting of the laid province be the more speedily provinced, it is consented, granted, concluded, agreed and o all interes and par potes, and we do by the benelosb

First. THAT the proprietors of the faid province, have and do hereby grant unto all persons, who by and with the confent of one or more of any of the proprietors of the faid province, at-

All which lands

A. D. 1676.

tested by the certificate, under his or their hands and feals, adventure to the faid province of west New-Jersey, and shall transport themselves or fervants, before the first day of the month commonly celled April. which shall be in the year of our lord one thousand dix thandred seventy and seven, these following proportions, with For this own person arriving, seventy acres of land, English measure; and for every able man fervant that he shall carry with him, and arriving there, the like quantity of seventy acres of land, English measured And wholoever thall fend fervants before that time thall have for every able man fervant, he or they to fend as aforefaid, and arriving there. the like quantity of feventy acres; and for every weaker dervant, male or female, exceeding the age of fourteen years, which any one shall send or carry, arriving there, fifty acres of land paid after the expiration of their time of fervice, fifty ecres of landsfor their own use and behoof, to hold to them and their heirs foreter. All fuch person and persons, freemen or servants, and their respective heirs and assigns, afterwards paying yearly to the proprietor, his heirs and aftigns, to whom the faid lands belong, one penny an acre, for what shall be laid out in towns, and one half peons an acre, for what shall be laid out elsewhere: The first yearly payment to begin

within two years after the lands are laid out the property of the month called April, which shall be in the year one shouland fix hundred seventy and eight, fifty acres of land; and for every able man servant, that he or the shall carry on send, and arriving there, the like quantity of fifty acres of land; and son every weaker servant, male or semale, exceeding the age of sourteen years, arriving there, thirty acres of land; and after the expiration of their service, thirty acres of land; and after the expiration of their service, thirty acres of land; and after the expiration of their service, thirty acres of land; and after the expiration of their service, thirty acres of land; for their own use and behoof; to hold to them and their heirs forever: All the said persons, and their respective heirs and assigns, to whom the land belongs, one penny farthing the acre, for all such lands as shall be laid out as towns, and three farthings the acre, for all that shall be laid out essewhere.

Thirdly. To every freeman that shall arrive in the stid prevince, within the third year, from the first day of the month commonly called April, in the year one thousand fix hundred seventy and eight, to the first of the said month called April, one thousand fix hundred seventy and nine, (with an intention to plant) forey actes of land, English measure; and for every able man servant, that he or she shall carry or send as aforesaid, forty acres of land, of sile measure; and for every weaker servant, aged as aforesaid, that shall be so carried or sent thither, within the third year as aforesaid, twenty acres of land, of like measure; and after the expiration of his or their time of service, twenty acres of land for their own the aid behoof; to hold to them and to their heirs, forever: All the said persons and their heirs and assigns, paying yearly as aforesaid, to the proprietor, his heirs and assigns, with whom they contract for the same, one penny half penny the acre, for what shall be laid out in towns, and one penny the acre for what shall be laid out elsewhere.

All which lands that shall be possessed in the said province, are to be held under, and according to the concessions and conditions as is before mentioned, and as hereafter in the following paragraph, is more at large expressed. Provided always, that the before mentioned land that shall be taken up and so settled in the province as aforesaid, shall from the date hereof, he held upon the conditions aforesaid, containing at least, two able men servants, or three such weaker servants as aforesaid, for every hundred acres, and so proportionably for a lessesse greater quantity as one hundred acres, besides what a master or mittress shall possess, which was granted for his or her own person; in sailure of which, upon notation to the present, occupant or his affigure, there shall be three years given to such, for the compleating the said number of servants, and for their sale or other disposure of such part of their lands as are not so peopled: Within which time of three years, if any persons holding any land, shall sail by himself; his agents, executors or assigns, or some other way, to provide such mamber of persons, sumes the general assembly shall without respect to poverty, judge it was impossible for the party so fashing to keep his of her number of ervants to be provided as aforesaid) in such case the commissioners are to summon together twelve men of thic helphoonthood, upon such inquest, verdict and judgment past of such default; they are and have power of disposing of so much of such default; they are and have power of disposing to the proprietor, or his lawful assigns, the rents to become due and owing, sor or in respect of the same; reserving and preserving to the proprietor, or his lawful assigns, the rents to become due and owing, sor or in respect of the same; reserving and preserving to the proprietor, or his lawful assigns, the rents to become due and effect of these concessions. And surther, that every proprietor has goeth over in person at mantain ton every according to the last the least.

perion at least; and if the lot shall exceed 200 actes, he shall keep and maintain for every 200 acres, the like quantity of one person at the least.

And for all other proprietors that doth but go over in person, and inhabit in the faid province, shall keep and maintain upon every lot of land that shall fall to them, one person at the least; and if the said lot exceed one hundred acres, then upon every hundred acres that fall to them as aforesaid, they shall keep and maintain one person at the least. And if any neylect or desciency shall be found in any of the proprietors, of their keeping and maintaining the number of persons before mentioned; that then and in that case, the commissioners are so dispose upon the said lands for any term of years not exceeding twenty; to any person of persons that will keep and maintain upon the said laids the number of persons as before is mentioned; reserving always winto the said proprietors, the rents that shall fall due for the same, as before is reserved and appointed to be so. Always provided, that the keeping and maintaining of the said number of persons upon the several lots and number of acres before mentioned, is to continue for ten years from the date of the concessions, and no longer; except where there have been any deficiency, so as the commissioners have let the lands for a longer time, to any person or persons, they are to enjoy the same during the term.

granted them by the commissioners; any thing in this last provise, A. D. 1676.

# hereved, taken up, in lovel, jour so pleated, execut the owners of the fald lands wither throng X H 3

And for the regular laying out of all lands whatfoever in the faid province, this method is to be followed by the register and surveyor:

THAT the register to be appointed as aforefaid, having recorded any grant from any of the proprietors, to any performand and buantity or quantities of acres; shall make out a ceruficate to the furveyor or his deputy, enjoining him to lay toot, limit and botted wacres of land; for A.B. out of the feveral loss of

C. D. one of the proprietors, in the proportions following to that is to fay, part thereof in the lot of the faid G. D. in which the surveyor or his deputy, shall lay out, limit and bound accordingly, and shall tertify back to the register

on what point of the compais the faveral limits thereof lie, and on whose lands the several parcels butt and bound; which last certificate shall be entered by the said register or his deputy, in a book for that purpose, with an alphabetical table of the proprietors names, and the name of the planter or purchaser, referring to the laid certificate, shall by the said register be endorsed in the back of the grant, with the folio of the book in which it is entered, and his name fubscribed to the faid endorsement.

And that the commissioners for the time being, are bereby impowered to ascertain the rates and sees of the publick register, surveyed and other officers, as they shall see meet and reasonable, how much or what every one shall pay for registering any conveyance, ded, lease, speciality, certificate, or other writing; as also what shall be paid by every proprietor for surveying, dividing, and saying out of any lands in the said province; which said register, surveyor, or other officer, is not to exact or demand any more in breathy laters. other officer, is not to exact or demand any more of preator later as the priority of the prio

the fentence, until the care be preferred with a capt of the whole, ruly proceeding and proofs, to the next general affembly, who may WE do also grant convenient portions of land for highways, and for fireets, not under one hundred feet in breadth, in one towns and villages; and for wharfis, keys, harbours, and publick houses, in such place as the commissioners for the time being funtil there be a general offenblad 0-11 (until there be a general affembly) shall appoint; and that all such lands laid out for the faid uses and purposes, shall be free and exempt from all rents, taxes; and other charges and duties whatloever; as also, that the inhabitants of the said province have free passage through or by any seas; bounds, creeks, rivers, rivulets, in the said province, through or by which they must necessarily pass to come from the main ocean to any part of the province aforesaid; as also by land in ways laid out or the province aforesaid; as also by land in ways laid out or through any lands not planted or en

That all the inhabitants within the faid province of West-Jers have the liberty of fishing in Delaware river, or on the fee cos and the liberty of hunting and killing any deer or other wild b the liberty to shoot or take any wild fowls within the faid province

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Provided always, that they do not hunt, kill, shoot, or take any such deer, wild beafts, or fowls, upon the lands that is or shall be surveyed, taken up, inclosed, sown and planted, except the owners of the said lands or their assigns.

# Ant' for the regular kerne out of all lands usuar never in the land province, this suction is a the lower of the security and the or regular and larveyor

THE commissioners are to take care, that lands quietly held, planted and possessed seven years after its being first duly furveyed by the furveyor or surveyors, his or their lawful deputies, which shall be appointed by the shidt proprietors, and registered in manuer as aforestid, shall not be subject to any review, resurvey or alteration of bounds; upon any pretences only any pretences or by any person or persons whatsovers too said in located that

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THE commissioners are to take care, that no man, if his cattle stray, range, of graze on any ground within the said province, not actually appropriated or set out to particular persons, shall be liable to pay any trespass for the same. Provided, that custom of commons be not thereby pretended to, nor any person hindered from legally taking up and appropriating any laud to grazed upon.

# CHAP, ITX. I obie bial on to Ladrolde

THE commissioners are to see, that all courts established by the laws and constitutions of the general assembly, and pursuant anto those concessions, do execute their several duties and offices respectively, according to the laws in sorce; and to displace or punish them for violating the said laws, or acting contrary to their duty and trusts, as the nature of their offences shall require; and where they see cause of condemnation or sentence passed upon any person or persons, by any judge, justice, or court whatsoever, the said commissioners have power to reprieve and suspend the execution of the sentence, until the cause be presented, with a copy of the whole trial, proceeding and proofs, to the next general assembly; who may accordingly either pardon or command execution of the sentence of the offender or offenders, (who are to be kept in the mean time in safe custody until the sense of the general assembly be known therein.)

### until there be's general edixbirq last they oint, and that

TO act and do all other thing or things that may conduce to the fafety, peace and well-government of the faid province, and these present concessions, and that all inferior officers be accountable to the commissioners, and they to be accountable to the general assembly. The commissioners are to take care, that the constables of the said province, shall collect such of the proprietors rems, who dwell not in the said province, but in England, Ireland, or Scotland; and shall pay it to the receiver that shey shall appoint to receive the same; unless the general assembly shall prescribe some other way whereby they may have their rents duly collected; without charge and trouble to the said proprietors.

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#### CHAP. XI.

THEY are not to impose or suffer to be imposed, any tax, custom or substidy, tollage, affessment, or any other duty whatsoever, upon any colour or pretence how specious soever, upon the said province and inhabitants thereof, without their own consent first had, or other than what shall be imposed by the authority and consent of the general affembly, and that only in manner and for the good ends and uses as aforesaid.

#### CHAP. XII.

THAT that the faid commissioners, registers, surveyors, and all and every other publick officers of trust whatsoever, already deputed and chosen, or hereaster from time to time to be deputed and chosen, shall subscribe (in a book or books to be provided for that purpose) that they will truly and faithfully discharge their respective trusts according to the law of the said province, and tenor of these concessions, in their respective offices and duties; and do equal justice and right to all men, according to their best skill and jugment, without corruption, favour, or affection; and the names of all that shall subscribe, to be entered in the said book; and whosever shall subscribe, and shall violate, break or any wife falsify his promise after such subscription, shall be liable to be punished or fined, and also be made incapable of any publick office within the said province.

The Charter or fundamental laws of Well New-Jerley, agreed upon.

#### CHAP. XIII.

That these following concessions are the common law or fundamental rights of the province of West New-Jersey.

THAT the common law or fundamental rights and privileges of West New-Jersey, are individually agreed upon by the proprietors and freeholders thereof to be the soundation of the government; which is not to be altered by the legislative authority, or free assembly hereaster mentioned and constituted; but that the faid legislative authority is constituted according to these soundamentals, to make such laws as agree with and maintain the said fundamentals, and to make no laws that in the least contradict, differ, or vary from the said sundamentals, under what pretence or allegation soever.

#### CHAP. XIV.

BUT if it so happen, that any person or person of the said free affembly, shall therein designedly, wilfully and maliciously move, or excite any to move, any matter or thing whatsoever, that contradicts or any ways subverts any fundamental of the said laws in the constitution of the government of this province, it being proved by seven honest and reputable persons; he or they shall be proceded against as traitors to the said government.

CHAP.

## APPENDIK

#### CHAR WYSheses be

THAT these concessions law or great charter of sundencessions be recorded in a fair table, in the assembly house; and that the beread at the beginning and dissolving of every general free assembly! And it is suitcher agreed and ordained, that the said concession common law, or great charter of fundamentals, be writ in fair tables, in every common hall of justice within this province; and that they be read in solemn manner four times every wear, in the presence of the people, by the chief magistrates of those places.

#### CHAP XVI.

of authority to rule over men's conficences in religious matterny therefore it is conferred, agreed and ordained, that no, person or persons whatsoever, within the said province, at any time or times hereafter shall be any wars; upon any presence whatsoever, called requestions of in the least punished or hurs, either in person, ethic of privilege, for the take of his opinion, judgment, fatth or worthin to wards God, to matters of religion; but that all and every such person and persons may from time to time, and at all times, freely and fully have and enjoy his and their indoments, and the exercise of their sons sciences; it matters of religions (worthin throughout all the faid province any at on all the faid province.

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THAT no proprietor, freeholder or inhabitant of the faid prevince of West New-Jersey, shall be deprived or condemned of life, limb, liberty, cliate, property, or any ways hust in his of chair privileges, freedoms or franchise, upon any account whatsoever, without a due trial, and judgment passed by twelve good and law-ful men of his neighbourhood, and that in all causes to be tried, and in all trials, the person or persons arranged, may except against any of the said neighbourhood, without any reason rendered, (not exceeding thirty-live) and in case of any said reason alledged, against every person nominated for that severes

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A ND that no proprietor, freeholder, free denifor or inhabitant in the faid province; shall be attacked, arrefled, or imprisond, for or by reason of any debt, duey, or other thing whatsoever (cases selonious, criminal and treasonable, excepted) before he or the have personal summon or summons, less a his or her last dwelling place, if in the said province, by some legal authorized officer, constituted and appointed for that purpose, to appear in some court of judicature for the said province, with a fall and plain account of the cause or thing in demand; as also the name or names of the person or persons at whose suit, and the court where he is to appear; and that he hath at least sourteen days time to appear and answer the said suit, if he or she live or inhabit within forty miles, English, of the said court; and if at surther distance, to have for every twenty miles, two days time more, for his and their appearance, and so proportionably for a larger distance of place.

That

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That upon the recording of the lummons, and non-appearance of such person and persons, a writ or attachment shall or may be issued out to arrest or attach the person or persons of such defaulters, to cause his or their appearance in such court, returnable at a day certain, to answer the penalty or penalties in such suit or suits; and if he or they shall be condemned by legal tryal and judgment, the penalty or penalties shall be paid and satisfied out of his or sheir real or personal estate so condemned, or cause the person or persons so condemned to lie in execution till satisfaction of the debt and damages be made. Provided always, if such person or persons so condemned, shall pay and deliver such estate, goods and chattels, which he or any other person hath for his or their use, and shall solemnly declare and aver, that he or they have not any Further estate, goods or chattels wherefoever, to fatisfy the person or persons (at whose suit he or they are condemned) their respective fudgments, and shall also bring and produce three other persons as compurgators, who are well known and of honest reputation, and approved of by the commissioners of that division where they dwell or inhabit, which shall in such open court likewise fofuch person and persons so condemned, have not wherewith further to pay the faid condemnation or condemnations; he or they shall be thence forthwith discharged from their said imprisonment; any law or custom to the contrary thereof heretofore in the faid prowince notwithstanding. And upon such summons and default of appearance recorded as aforefaid, and fuch person and persons not appearing within forty days after, it hall and may be lawful for fuch court of judicature, to proceed to trial of twelve lawful men, to judgment against such defaulters, and issue forth execution against his or their estate, real and personal, to satisfy such penalty or penalties, to fuch debt and damages fo recorded, as far as it shall or may extend.

### CHAP. XIX.

THAT there shall be in every court, three justices or commissioners, who shall fit with the twelve men of the neighbourhood, with them to hear all causes, and affist the said twelve men of the neighbourhood in cases of law; and that they the said justices shall pronounce such judgment as they shall receive from and be directed by the said twelve men, in whom only the judgment resides, and not otherwise.

And in cases of their neglect and refusal, that then one of the twelve, by consent of the rest, pronounce their own judgment, as the justices should have done: And if any judgment shall be pass'd in any case, civil or criminal, by any other person or persons, or any other way than according to the agreement and appointment; it shall be held null and void; and such person or persons so presuming to give judgment, shall be severely fined, and upon complaint made to the general assembly, by them be declared incapable of any office or trust within this province.

CHAP.

CHAP. XX.

THAT in all matters and causes, civil and criminal, proof is to be made by the solemn and plain averment of at least two honest and reputable persons; and in case that any person or persons shall bear salie witness, and bring in his or their evidence contrary to the truth of the matter, as shall be made plainly to appear; that then every such person or persons, shall in civil causes, suffer the penalty which would be due to the person or persons he or they bear witness against: And in case any witness or witnesses on the behalt of any person or persons indicated in a criminal cause, shall be found to have borne salie witness, for sear, gain, malice, or savour, and thereby hinder the due execution of the law, and deprive the suffering person or persons of their due satisfaction; that then and in all other cases of salie evidence, such person or persons shall be first severely fined; and pext, that he or they shall sorever be disabled from being admitted in evidence, or into any publick office, employment or service within this province.

CHAP. XXI.

THAT all and every person and persons whatsoever, who shall prosecute or preser any indictment or information against others, for any personal injuries or matter criminal, or shall prosecute for any other criminal cause (treason, murder and selony only excepted) shall and may be master of his own process, and have full power to forgive and remit the person or persons offending against him or herself only, as well before as after judgment and condemnation, and pardon, and remit the sentence, sine and punishment of the person or persons offending; be it personal or other whatsoever.

CHAP. XXII.

THAT the trials of all causes, civil and criminal, shall be heard and decided by the verdict or judgment of twelve honest men of the neighbourhood, only to be summoned and presented by the sheriff of that division or propriety where the fact or trespass is committed and that no person or persons shall be compelled to see any attorney or counsellor to plead his cause, but that all persons have tree liberty to plead his own cause if he please: And that no person or persons imprisoned upon any account whatsoever, within this province, shall be obliged to pay any sees to the officer or officers of the said prison either when committed or discharged.

CHAP. XXIII.

THAT in all publick courts of justice for trial of causes, civil or criminal, any person or persons, inhabitants of the said province; may freely come into and attend the said courts, and hear and he present at all or any such trials as shall be there had or passed, that justice may not be done in a corner, nor in any covert manner a being intended and resolved by the help of the lord, and by these our concessions and fundamentals, that all and every person and persons inhabiting in the said province, shall as far as in us lies, he see from oppression and slavery.

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CHAP.

### CHAP. XXIV.

For the preventing of fraud, deceit, collusion in bargains, fales, trade and traffick, and the usual contests, quarrels, debates and utter ruin, which have attended the people in many nations, by costly, tedious, and vexatious law suits, and for a due settlement of estates.

TT is agreed, concluded and ordained, that there be kept a register at London, within the nation of England; and also another register within the province of New West-Jersey; and that all deeds, evidences, and conveyances of land, in the faid province of New-West-Jersey, that shall be executed in England, may also be there registered; and once every year, the register of the said deeds and conveyances, fo registered, shall be duly transmitted under the hands of the register, and three proprietors, unto the commissioners in New West-Jersey, to be enrolled in the publick register of the faid province: As also that the chief register, which the faid proprietors have deputed or chosen, or shall depute or choose, failing, that the commissioners shall depute or choose; or which the general affembly of the faid province, hereafter mentioned, shall depute of thoose, shall keep exact entries and registers, in fair books, or rolls for that purpose to be provided, of all publick affairs; and therein shall record and enter all grants of land, from the proprietors to the planters; and all conveyances of land, house or houses, from man to man; as also all assignments, mortgages, bonds, and specialties whatfoever; and all leafes for land, house or houses, made or to be made, from landlord to tenant, and from person to person; which conveyances, leafes, affignments, mortgages, bonds and specialties, which shall be executed in West New-Jersey, shall be first acknowledged by the grantor, affignor and obligor, before the said commissioners, or two of them at least, or some two of their lawful deputies, for the time being; who shall under their hands, upon the back fide of the faid deed, leafe, affignment, mortgage or specialty, attest the acknowledgment thereof as aforesaid; which shall be a warrant for the register to record the same; and such conveyance or specialty, if sealed, executed, acknowledged before three proprietors, in the nation of England or Ireland, and recorded or registered there, within three months after the date thereof; or if fealed, executed and acknowledged in the faid province, or elsewhere out of England, and recorded or registered within fix months after the date thereof, shall be good and effectual in law; and for passing of transferring of estates in lands, tenements, or hereditaments, shall be as effectual as if delivery and fiezen were executed of the fame: And all other conveyances, deeds, leafes or specialties, not recorded as aforesaid, shall be of no force nor effect. And the said register shall do all other thing or things the said proprietors by their instructions shall direct, or the commissioners or assembly shall ordain, for the good and welfare of the faid province.

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That there may be a good understanding and friendly correspondence between the proprietors, freeholders, and inhabitants of the faid province, and the Indian natives thereof.

TT is concluded and agreed, that if any of the Indian natives within the faid province, shall or may do any wrong or injury to any of the proprietors, freeholders or inhabitants, in person, effate, or otherways howfoever; upon notice thereof, or complaint made to the commissioners, or any two of them, they are to give notice to the sachem, or other chief person or persons, that hath authority over the faid Indian native or natives, that justice may be done, and fatisfaction made to the person or persons offended, according to law and equity, and the nature and quality of the

offence and injury done or committed.

And also in case any of the proprietors, freeholders, or inhabitants, shall any wife wrong or injure any of the Indian natives there, in person, estate, or otherwise; the commissioners are to take care, upon complaint to them made, or any one of them, either by the Indian natives, or others, that juffice be done to the Indian natives, and plenary fatisfaction be made them, according to the nature and quality of the offence and injury: And that in all trials wherein any of the faid Indian natives are concerned, the trial to be by fix of the neighbourhood, and fix of the faid Indian natives, to be indifferently and impartially chosen by order of the commissioners; and that the commissioners use their endeavour to perswade the natives to the like way of trial; when any of the natives do any ways wrong or injure the faid proprietors, freeholders or inhabitants; that they choose fix of the natives, and fix of the freeholders on inhabitants, to judge of the wrong and injury done, and to proportion fatisfaction accordingly.

CHAP. XXVI.

I is agreed, when any lands is to be taken up for fettlements of towns, or otherways, before it be surveyed, the commissioners or the major part of them, are to appoint some persons to go to the chief of the natives concerned in that land, fo intended to be taken up, to acquaint the natives of their intentions, and to give the natives what present they shall agree upon, for their good will or consent; and take a grant of the same in writing, under their hands and feals, or some other publick way used in those parts of the world: Which grant is to be registered in the publick register, allowing also the natives (if they please) a copy thereof; and that no person or persons take up any land, but by order from the commilioners, for the time being.

CHAP. XXVII.

THAT no thip master or commander of any thip or vessel, shall receive into his ship or vessel, to carry unto any other nation, country or plantation, any person or persons whatsoever, without a certificate first had and obtained under the hands and scals

A. D.

A. D. 1676. feals of the commissioners, or any two of them, that the said person or persons are clear, and may be taken on board, fignifying that the said person or persons names have been put up in three publick places of the province, appointed by the commissioners for that purpose, for the space of three weeks, giving notice of his or their intention to transport themselves.

CHAP. XXVIII.

That men may peaceably and quietly enjoy their effates.

IT is agreed, if any person or persons shall steal, rob, or take any goods or chattles, from or belonging to any person or persons whatsoever, he is to make restitution two fold, out of his or their estate; and for want of such estate; to be made work for his thest, for such time and times as the nature of the offence doth require, or until restitution be made double for the same; or as twelve men of the neighbourhood shall determine, being appointed by the commissioners, not extending either to life or limb.

If any person or persons, shall wilfully beat, hurt, wound, assault, or otherways abuse the person or persons of any man, woman or child, they are to be punished according to the nature of the offence; which is to be determined by twelve men of the neighbour-

hood, appointed by the commissioners,

### CHAP. XXIX.

For securing estates of persons that die, and taking care of orphans. First. IF any person or persons die, the commissioners are to take care, that the will of the deceased be duly personned, and security given by those that prove the will; and that all wills or testaments, be registered in a publick register appointed for that purpose; and the person and persons that prove the same, to bring in one true inventory under their hands, of all the estate of the deceased, and to have a warrant under the hand of three commissioners, and the publick seal of the province, intimating, that they have brought in an inventory of the estate, and given security; then, and not before, are they to dispose upon the estate.

Second. If any person die intestate, leaving a wise and children; the commissioners are to take security from the person that shall administer, to secure two parts of the estate for the children, and the third to the wise, if there be any; and if there be no child,

then half to the next of kin, and the other to the wife.

Third. If the parents of children be dead, and no will made, then the commissioners are to appoint two or more persons to take the charge of the children and estate, and to being an inventory of the estate to be registered; and that the said persons are to make good to the children, what part of the estate shall come unto their hands, and to give a true account of their receipts and dishursements, to be approved of by the commissioners.

Fourth. If parents die, leaving child or children, and no effate, or not sufficient to maintain and bring up the said child or children, in that case the commissioners are to appoint persons to take care for

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the child or children, to bring them up in fach manner as the commissioners shall appoint, and the charges thereof to be borne by the publick stock of the province; and if none be established, then by a tax to be levied by twelve men of the neighbourhood, with the consent of the commissioners, or the main part of them.

CHAP XXX.

In cases when any person or persons kill or destroy themselves, of be killed by any other thing.

IT is agreed, if any man or woman shall wilfully put hand, and kill him or herself, the estate of such person or persons is not to be forseited, but the kindred, heirs, or such other as of right the estate belongs to, may enjoy the same; or if any beast or ship, boat, or other thing, should occasion the death of any person or persons nevertheless the said beast, ship, boat, or other thing, is not to be forseited; but those to whom they belong may enjoy the same. Provided always, that the said beast did not wilfully kill the said person, or hath been known to attempt, or addicted to mischief, or hath been found to hurt or kill any person; then the said beast is to be killed.

CHAP. XXXI.

ALL fuch person or persons as shall be upon trial found guilty of murder or treason, the sentence and way of execution thereof is left to the general assembly to determine, as they in the wisdom of the lord shall judge meet and expedient.

The general affembly and their power, C H A P. XXXII.

THAT so soon as divisions or tribes, or other such like distinctions are made, that then the inhabitants, freeholders, and proprietors resident in the said province, or several respective tribes or divisions, or distinctions aforesaid, do yearly and every year, meet on the first day of October, or the eighth month, and choose one proprietor or freeholder for each respective propriety in the said province (the said province heing to be divided into one hundred proprieties) to be deputies, trustees, or representatives, for the benefit, service, and behoof of the people of the said province; which body of deputies, trustees or representatives, consisting of one hundred persons chosen as aforesaid, shall be the general free and supream assembly of the said province for the year ensuing, and no longer: And in case any member of the said assembly, during the said year, shall decease, or otherwise be rendered incapable of that service; that then the inhabitants of the said proprieties, shall elect a new member, to serve in his room, for the remainder of the said year.

And to the end the representative members of the yearly assembly to be chosen, may be regularly and impartially elected.

THAT no person or persons who shall give, bestow or promise, directly or indirectly, to the said parties electing, any meat, drink, money or money's worth, for procurement of their choice

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and consent, shall be capable of being elected a member of the said affembly: And if any person or persons, shall be at any time corruptly elected, and sufficient proof thereof made to the said free affembly, such person or persons so electing or elected, shall be reckoned incapable to choose or fit in the said affembly, or execute any other publick office of trust within the said province, for the space of seven years thence next ensuing: And also, that all such elections as aforesaid, be not determined by the common and consused way of cries and voices; but by putting balls into balloting boxes, to be provided for that purpose, for the prevention of all partiality, and whereby every man may freely choose according to his own judgment, and honest intention.

CHAP. XXXIV.

TO appoint their own times of meeting, and to adjourn their sessions from time to time (within the said year) to such times and places as they shall think sit and convenient, as also to ascertain the number of their quorum; provided that such numbers be not less than one half of the whole, in whom (or more) shall be the sull power of the general assembly; and that the votes of two thirds of the said quorum, or more of them, if assembled together as assorbaid, shall be determinative in all cases whatsoever coming in question before them, consonant and conformable to these concessions and fundamentals.

CHAP. XXXV.

THAT the said proprietors and freeholders, at their choice of persons, to serve them in the general and free assemblies of the province, give their respective deputies or trustees, their instructions at large, to represent their grievances, or for the improvement of the province; and that the persons chosen, do by indentures under hand and seal, covenant and oblige themselves to act nothing in that capacity, but what shall tend to the sit service and behoof of those that send and employ them; and that in case of failure of trust, or breach of covenant, that they be questioned upon complaint made, in that or the next assembly, by any of their respective electors.

And that each member of the assembly, chosen as aforesaid, be

And that each member of the affembly, chosen as aforesaid, he allowed one shilling per day, during the time of the sitting of the general affembly, that thereby he may be known to be the servant of the people: Which allowance of one shilling per day, is to be paid him by the inhabitants of the propriety or division that shall

elect him.

CHAP. XXXVI.

THAT in every general free affembly, every respective member hath liberty of speech; that no man be interrupted when speaking; that all questions be stated with deliberation, and liberty for amendments; that it be put by the chairman, by them to be chosen, and determined by plurality of votes: Also that every member has power of entering his protest, and reasons of protestations. And that if any member of such assembly shall require to have the persons names registered, according to their year and no's, that it be accordingly done: And that after debates are pass, and the question agreed

agreed upon, the doors of the house to be set open, and the people have liberty to come in to hear, and be witnesses of the votes, and the inclinations of the persons voting.

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#### C H A P. XXXVII.

A ND that the faid affembly do elect, conftitute and appoint ten honest and able men, to be commissioners of estate, for managing and carrying on the affairs of the said province, according to the law therein established, during the adjournments and dissolutions of the said general free assembly, for the conservation and tranquility of the same.

### CHAP. XXXVIII.

THAT it shall be lawful for any person or persons, during the session of any general free assembly in that province, to address, remonstrate or declare, any suffering, danger or grievance, or to propose, tender or request, any privilege, profit or advantage to the said province, they not exceeding the number of one hundred persons.

CHAP. XXXIX.

TO enact and make all fuch laws, acts, and conflictutions, as shall be necessary for the well government of the said province, (and them to repeal) provided, that the same be as near as may be, conveniently agreeable to the primitive, antient and sundamental laws of the nation of England. Provided also, that they be not against any of these our concessions or fundamentals, before or hereafter mentioned.

#### CHAP. XL.

BY act as aforefaid, to conflitute all courts, together with the limits, powers and jurifdictions of the same (consonant to these concessions) as also the several judges, officers and number of officers belonging to each court, to continue such time as they shall see meet, not exceeding one year, or two at the most, with their respective salaries, sees and perquisites, and their appellations; with the penalties that shall be inflicted upon them for the breach of their several and respective duties and trusts; and that no person or persons whatsoever, inhabitants of the said province, shall sustain or bear two offices in the said province, at one and the same time.

#### CHAP. XLT.

THAT all the justices and constables be chosen by the people; and all commissioners of the publick seals, treasuries and chief-justices, embassadors and collectors, be chosen by the general free assembly.

### CHAP. XLII.

THAT the commissioners of the treasury of the said province, bring in their account at the end of their year, unto the general free assembly, there to be seen and adjusted; and that every respective member carry a copy thereof unto that hundred or propriety he serves, for to be registered in the capital publick court of that propriety.

CHAP.

A. D.

TOTAL THE MENT CHAP. XLILL

BY act as aforefaid, to lay equal taxes and affeithents, and equally to raise money or goods, upon all lands or persons within the several proprieties, precincts, hundreds, tribes, or whatsoever other divisions shall hereafter be made and established in the said province, as oft as necessity shall require; and in such manner as to them shall seem most equal and easy for the inhabitants; in order to the better supporting of the publick charge of the said government, as also for the publick benefit and advantage of the said people and province.

CHAP. XLIV.

BY act as aforefaid, to sub-divide the said province into hundreds, proprieties, or such other divisions and distinctions, as they shall think sit; and the said divisions to distinguish by such names as shall be thought good; as also within the said province to direct and appoint places for such and so many towns, cities, ports, harbours, creeks, and other places for the convenient lading and unlading of goods and merchandize, out of the ships, boats, and other vessels, as shall be expedient; with such jurisdictions, privileges and franchises to such cities, ports, harbours, creeks or other places, as they shall judge most conducing to the general good of the said province and people thereof; and to creek, raise and build within the said province, or any part thereof, such and so many market towns and villages; and also appoint such and so many markets and fairs, and in such place and places, as they shall see meet, from time to time, as the grant made and assigned unto the said proprietors will permit and admit.

In testimony and witness of our consent to and assirmation of these present laws, concessions and agreements: We, the proprietors, free-holders, and inhabitants of the said province of West New Jersey, whose names are under written, have to the same voluntarily and freely set our hands, dated this third day of the month commonly called March, in the year of our lord one thousand six hundred seventy six.

Gawen Lawrie, Wm. Penn, Wm. Emley, Josh. Wright, Nicho. Lucas, Wm. Haig, Wm. Peachee; Rich. Matthews, John Harris, Francis Collins, Wm. Kent, Benj. Scot, Tho. Lambert, Tho. Hooton, Henry Stacy, Edw. Byllinge, Rich. Smith, Edw. Nelthorp, John Penford, Dan. Wills, Thomas Olive, Tho. Rudyard, William Biddle, Robert Stacy, John Farrington, Wm. Roydon, Rich. Mew, Percival Towle, Mahlon Stacy, Tho. Budd, Sam. Jenings, John Lambert, Will. Heulings, George Deacon, John Thomson, Edw. Bradway, Rich. Guy, James Nevill, Wm. Cantwell, Fospe Ontflout, Machgijel Baron, Casper Herman, Turrse Psese, Robert Kemble, John Corneliesse, Gerrat Van Jumne, Wm. Gill Johnson, Mich. Lackerouse, Markus Algus, Evert Aldricks, Hendrick Ever-John Surige, Tho. Smith, James Pearce, Edw. Webb, John Pledger, Rich. Wilkison, Christo. Sanders, Renear Van Harst, William Johnson, Charles Bagley, Sam. Wade, Tho. Woodrofe, John Smith, Tho. Peirce, Will. Warner, Joseph Ware, Isaac Smatt, And.

And. Thomson, Thomas Kent, Henry Jenings, Rich. Wortsw., Christopher White, John Maddocks, John Forrest, James Vickory, William Rumsey, Rich. Robinson, Mark Reeve, Thomas Watton, Sam. Nicholson, Dan. Smith, Rich. Daniel, Will. Penton, Will. Daniel, Robert Zane, Walter Peiterson, Anthony Page, Andrew Bartleson, Woolley Woollison, Anthony Dixon, John Derme, Tho. Benson, John Pain, Rich. Bristington, Sam. Lovett, Henry Stubbens, Will. Willis, George Haselwood, Roger Pedrick, Will. Hughes, Abra. Van Highest. Hipolitas Lefever, Will. Wilkinson, Andrew Shenneck, Lause Cornelious, Sam. Hedge, Will. Masser, John Grubb, John Worlidge, Edw. Meyer, Tho. Barton, Robt. Powel, Tho. Harding, Matthew Allen, Bernard Devenish, Thomas Stokes, Thomas French, Isaac Marriott, John Butcher, George Hutcheson, Tho. Gardiner, Tho. Eves, John Borton, John Paine, Eleazer Fenton, Samuel Oldale, Will. Black, Anthony Woodhouse, Dan. Leeds, John Pancoatt, Francis Belwicke, Will. Luswall, John Snowdon, Rich. Fenemore, Gruna Jacobson, Tho. Scholey, Tho. Wright, Godfrey Hancock, John Petty, Abraham Heulings, John Newbould, John White, John Roberts, John Wood, John Gosling, Tho. Revell.

### NUMBER III.

Abrief account of the province of East-Jersey, in America, published by the present proprietors, for information of all such persons who are or may be inclined to settle themselves, families and servants in that country.

To fay any thing in the praise, or much in the description of a country so well known, would seem needless: The late accounts and descriptions of the adjacent countries, West-Jersey and Pennsylvania, which are much of the same nature, &c. might suffice; but considering that in foreign colonies, yea, here in England, every particular country has some excellency in soil; product or situation, that may affect and delight many persons, beyond the places adjacent: We may, for the situatation of such, give some brief account thereof.

First. This province or colony lies between thirty-nine and forty-one degrees of latitude, being about twelve degrees more to the fouth than the city of London; and is bounded fouth east by the main sea; east by that vast navigable stream, called Hudson's river, which divides this from the province of New York; well by a line of division, which separates this province from West-Jersey; and north upon the main land, and extends itself in length on the sea coast, and along Hudson's river, one hundred English miles, and powards.

Second, The conveniency of fituation, temperature of air, and fertility of foil, is such, that there's no less than seven considerable

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towns, viz. Shrewabury, Middletown, Bergen, Newark, Elizabeth-Town, Woodbridge, and Pifcataway; which are well inhabited by a fober and industrious people, who have necessary provisions for themselves and families, and for the comfortable entertainment of strangers and travellers; and this colony is experimentally found

generaly to agree with English constitutions.

Third. For navigation, it hath these advantages, not only to be fituate along the navigable part of Hudson's river, but lies also fifty miles on the main sea; and near the midst of this province, is that noted bay for ships, within Sandy-Hook, very well known not to be inferior to any harbour in America, where thips not only harbour in greatest storms, but there ride fafe with all winds, and fail in and out thence as well in winter as fummer.

Fourth. For fifnery, the fea banks there are very well flored with variety of fish; for not only such as are profitable for transportation, but fuch also as are fit for food there, as whales, cod-fish, cole and hake fish, large mackrell, and also many other forts of flat and small fish. The bay also, and Hudson's river, are plentifully stored with sturgeon, great bass, and other scale fish, gels and shell-fish, as oysters, &c. in great plenty, and easy to take.

Fifth. This country is also plentifully supplied with lovely springs, rivulets, inland rivers and creeks, which fall into the fea and Hudfon's river; in which is also much plenty and variety of fresh fish

and water fowl.

Sixth. There is great plenty of oak timber, fit for shipping, and masts for ships, and other variety of wood, like the adjacent colonies, as chefnut, walnut, poplar, cedar, ash, fir, &c. fit for building

within the country.

Seventh. The land or foil (as in other places) varies in goodness and richness; but generally fertile, and with much smaller labour than in England: It produceth plentiful crops of all forts of English grain, besides Indian corn, which the English planters find not only to be of vast increase, but very wholsome and good in its use; it also produceth good flax and hemp, which they now fpin and manufac-ture into linnen cloth. There's fufficient meadow and mark to their uplands; and the very barrens there as they are called, are not like fome in England; but produce grass fit for grazing cattle in summer feafon.

Eighth. The country is well stored with wild deer, conies and wild fowl of several forts, as turkeys, pigeons, partridges, plover, quails, wild swans, geefe, ducks, &c. in great plenty; It produceth variety of good and delicious fruits, as grapes, plumbs, mulberries and also apricots, peaches, pears, apples, quinces, water melons, &c. which are here in England planted in orchards and gardens; these, as also many other fruits, which come not to perfection in England, are the more natural product of this country.

Ninth. There is also already great store of horses, cows, hogs, and some sheep, which may be bought at reasonable prices, with English monies or English commodities, or man's labour, where

money and goods are wanting.

Tenth.

Tenth. What fort of mines or minerals are in the bowels of the earth, after time must produce, the inhabitants not having yet employed themselves in search thereof; but there is already a smelting furnace and forge set up in this colony, where is made good iron, which is of great benefit to the country.

Eleventh, It is exceedingly well furnished with fafe and convenient harbours for shipping, which is of great advantage to that country, and affords already for exportation, great plenty of horses, and also beef, pork, pipe staves, boards, bread, flower, wheat, barley, rye, Indian corn, butter and cheefe, which they export for Barbadoes, Jamaica, Nevis, and other adjacent islands, as also to Portugal, Spain, the Canaries, &c. Their whale oil and whale finns, beaver, mink, raccoon and martin fkins, (which this country produceth) they transport for England.

Twelfth. The situation and soil of this country may invite many who are inclined to transport themselves into those parts of Ame-

1. It being confiderably peopled, and fituate on the fea coast, with convenient harbours, and so near adjacent to the province of New-York and Long-Island, being also well peopled colonies, may be proper for merchants, tradefmen, and navigators!

2. Its likewise proper for such who are inclined to fishery, the whole coast and very harbours mouths being fit for it; which has been no small rife to the New-England people, and may be here

carried on also with great advantage.

3. For its foil, its proper for all industrious husbandmen, and fuch, who by hard labour here, on rack rents, are scarce able to maintain themselves, much less to raise any estate for their children, may, with God's bleffing, on their labours, there live comfortably, and provide well for their families.

4. For carpenters, bricklayers, masons, smiths, mill-wrights, and wheel-wrights, bakers, tanners, taylors, weavers, shoe-makers, hatters, and all or most handicrafts, where their labour is much more

valued than in these parts, and provisions much cheaper.

5. And chiefly for fuch of the above-mentioned, or any other who upon folid grounds and weighty confiderations, are inclined in their minds to go into those parts; without which their going there cannot be comfortable, or answer their expectation.

Thirteen, The Indian natives in this country are but few, comparative to the neighbouring colonies; and those that are there, are fo far from being formidable or injurious to the planters and inhabitants, that they are really serviceable and advantagious to the English, not only in hunting and taking the deer, and other wild creatures, and catching of fish and fowl fit for food, in their seasons, but in the killing and destroying of bears, wolves, foxes, and other vermine and peltry, whose skins and furrs they bring the English, and fell at less price than the value of time an English man must fpend to take them.

Fourteen, As for the constitutions of the country, they were made anno dom. 1664, and in the time of John lord Berkely, and fir George Carteret, the late proprietors thereof; in which fuch

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provision was made for liberty in matters of religion, and property in their estates; that under the terms thereof, that colony has been considerably peopled, and that much from the adjacent countries, where they have not only for many years enjoyed their chates, according to the concessions; but also an uninterrupted exercise of their particular persuasions in matters of religion: And we the present proprietors; do determine, so soon as any persons here in England, or elsewhere, are willing to be engaged with us, we shall be ready and desirous to make such further additions and supplements to the said constitutions, as shall be thought sit, for the encouragement of all planters and adventurers, and for the further settling the said colony with a sober and industrious people.

Fifteen, Having with all possible brevity, given an account of the country, we shall say something as to the disposition of lands

there.

1. Our purpose is, if the lord permit, with all convenient expedition, to erect and build one principal town; which by reason of situation must in all probability be the most considerable for merchandize, trade and sistery in those parts; it is designed to be placed upon a neck or point of rich land, called Ambo point, lying on Rariton river, and pointing to Sandy-Hook bay, and near adjacent to the place where ships in that great harbour commonly ride at anchor; a scheme of which is already drawn, and those who shall desire to be satisfied therewith may treat for a share thereof.

2. As for encouragement of fervants, &c. we allow the fame

privileges as was provided in the concessions at first.

3. Such who are defirous to purchase any land in this province, free from all charge, and to pay down their purchase monies here, for any quantities of acres; or that defire to take up lands there, upon any small quit rents to be reserved; shall have grants to them and their heirs, on moderate and reasonable terms.

4. Those who are desirous to transport themselves into those parts before the purchase, if any thing there present to their fatisfaction, we doubt not but the terms of purchase will be so moderate, equal and encouraging, that may engage them to settle in that colony.

Our purpose being with all possible expedition to dispatch persons thither, with whom they may treat; and who shall have our full

power in the premifes.

As for passage to this province, ships are going hence the whole year about, as well in winter as summer, Sandy-Hook bay being never frozen: The usual price is sive pounds per head, as well masters or servants, who are above ten years of age; all under ten years, and not children at the breast, pay sifty shillings; sucking children pay nothing; carriage of goods is usually forty shillings per ton, and sometimes less, as we can agree; the cheapest and chiefest time of the year for passage, is from midsummer till the latter end of September, when many Virginia and Maryland ships are going out of England into those parts; and such who take then their voyage, arrive usually in good time to plant corn sufficient for acxt summer.

The

The goods to be carried there, are, first, for people's own use, all forts of apparel and houshold stuff, and also atentils for husbandry and building: fecondly, linnen and woollen cloths and stuffs, fitting for apparel, &c. which are fit for merchandize and truck there in the country, and that to good advantage for the importer, of which further account will be given to the enquirer, we

Laftly. Although this country, by reason of its being already confiderably inhabited, may afford many conveniencies to firangess, of which unpeopled countries are deflicute, as lodging, victualing, &c. yet all persons inclining unto those parts, much know, that in their settlement there, they will find their exercises; they much have their winter as well as summer; they must labour before they scap, and, till their plantations be cleated (in commer time) they must expect (as in all those countries) the musketos, flies, gnats, and such like, may, in hot and fair weather, give them fome diffurbance, where people provide not against them; which, as land is cleared, are less troublesome

And all such persons who desire to be concerned, may repair to Thomas Rudyard or Benjamin Clark, in George Yard, in Lombardfireet; where they may view the conflitutions, the scheme of the intended town, the map of the country, and treat on terms of purchale. William Penn, Robert West, Thomas Rudyard, Samuel Groom, Thomas Hart, Richard Mew, Thomas Willencks, Am Rigg, John Heywood, Hugh Hartshorne, Clement Plumstead. Thomas Cooper, are the present proprietors of East-Jersey; but their purpose is to take in twelve persons more, to make up the number

of proprietors twenty-tour:

Proposals by the proprietors of East-Jersey, in America, for the building of a town on Ambo Paint, and for the disposition of lands in that province; and also for encouragement of artificirs and labourers shall transport themselves thither out of England, Scotland, and Ireland.

FOR ASMUCH as Ambo Point, is a fweet, wholfome, and delightful place, proper for trade, by reason of its commodious fituation, upon a fafe harbour, being likewife accommodated with. a navigable river, and fresh water, and hath by many persons of the greatest experience and best judgment, been approved for the goodness of the air, foil and situation :

We, the proprietors, purpose by the help of Almighty God, with all convenient speed, to build a convenient town, for merchandize, trade and fithery on Ambo Point; and because persons that hath a defire to plant there, may not be disappointed for want of proposals, we, the proprietors, offer these following:

First. We' intend to divide afteen hundred acres of land upon Ambo Point, into one hundred and fifty lots; which lots shall confift of ten acres the lot; one hundred of the lots we are willing to fell here, and fifty we referve for fuch as are in America, and have long defired to fettle there.

Secondly. The price of each lot will be fifteen pounds fterling, to such who purchase before the 25th of December, 1682; and so

fuch

fuch who purchase afterwards, before the 25th of December, 1684 4A. D. twenty pounds fterling.

Thirdly, Every lot is to be as equally divided us the goodness of 1682.

the place doth require, and the fituation can admit.

Fourthly, The most convenient spot of ground for a town, shall be divided into one hundred and sifty equal shares, and set out into streets, according to rules of art; and no person, shall be preferred before another in choice, whether purchasor or proprietor.

Fifthly, We reserve four acres for a market place, town-hoose,

Fifthly: We referve four acres for a market place of the sec. and three acres for publicle wharfage.

Sixthly. Each purchaser is obliged to build a dwelling house in the place designed for the town, and to clear three acres of up land, in three years, or else the proprietors to be reinstanted in fact iots wherein default is made, repaying the purchase money.

Seventhly: We the proprietors do within a year, hope, by God's affishance; to build for each of us, one house upon Ambo point; which we intend shall stand in an orderly manner, according to the

best and most convenient model.

And in pursuance of the defign of the propositions abovesid.

Eighthly, And for the encouragement of carpenters, joiners, brick and tile makers, bricklayers, masons, sawyers, and labourers of all forts, who are willing to go and employ themselves and servants, in helping to clear ground, and build houses upon the general account

of and for the proprietors,

of and for the proprietors,

The faid proprietors will engage to find them work, and current
pay for the fame, in money or clothes, and provision, of which
there is plenty (as beef, pork, corn, &c.) according to the market
price at New-York, during the space of one year at least, next after
the 25th of December, 1682; in which time (through God's blefing
and their industry) they may have got wherewith to buy cove,
horses, hogs, and other goods, to stock that land, which they in the and their industry) they may have got wherewith horses, hogs, and other goods, to stock that land, white mean time may take up, according to the concellors another fuch persons pay rent for their said land, so long as they are employed persons pay rent for their said land, so long as they are employed to the concellors and times ed in the proprietors work; and their wages shall at all times a much as other such artificers and labourers, in the fail proving usually have; nor shall they be obliged to work for the proprietors.

longer than they find encouragement to do.

Ninthly. And for the more ready and certain employing workmen and labourers that shall transport themselves to Ratife this is to let all labourers and persons that shall transport themselves, they must upon their arrival upon that place, repair themselves actions the abovessid province, and enter themselves actions. register of the abovefaid province, and enter the to their respective qualities and designs, and theseupon they

entered into the service and pay of the proprietors.

The governor of East-Jersey, by and with the savice of his et eil, is to direct, that all lands to be set and laid out for coun tribes, cities, or parishes, according, so the general o the faid province, be bounded and let out in manner following, et That all fuch lands be divided into feven equal lots or parts; one of which seven parts is to be first set out by lot for the use of the propriet tors; and the other fix parts to be taken up according to the following concessions.

First. That the planting of the faid province may be the more effectually promoted. We do hereby grant unto all persons who shall transport themselves; their wives or children, unto Bast-Jersey. and fettle there according to the following concessions; by the twenty fifth of December 1684, twenty-five acres of land for each head, whether wife, child or fervant, which fervant shall be bound to serve the term of three years at least within the faid province; and for every fuch mafter of a family, fifty acres; the faid persons so imported are to be registered in the secretary's book of entries to be kept for that purpole; and the importer to pay to the fecretary for fees of attending that fervice, and entring them, twelve pence each head; and every servant, male or female, who shall be so imported and registered by the 25th of December 1684; shall, at the expiration of their time, have liberty to take up, the quantity of thirty acres for their own uses; and all the aforesaid importers, and persons imported; who are hereby allowed to take up land, shall have and enjoy the same, under the terms and concessions following:

Secondly. Foralmuch as this province is already confiderably peopled and improved (there being feven towns at least already fettled upon it by English people) and that no person is constrained by our concessions, to take up and pay for land which is barren and unprofitable; nor can it be reasonably supposed, that people should in this province, be now exposed to the like hazards and difficulties that others must look to meet with in those plantations that are less inhabited and more remote, and for fituation by fea and land, not so commodioully placed for trade: Therefore we think it very rea-fonable and moderate, that all and every person and persons, shall have his and their respective quantities of lands set out at two pence an acre, yearly rent, to be paid into our receivers office, either in money sterling, or in such commodities as the growth or trade of the province affords at the merchants price there; but who sever is willing to buy off his yearly rent, and become a freeholder, may fo do, paying after the rate of twelve years purchase, which comes to fifty shillings for a lot of twenty-five acres, and so paying after the lame rate, for a greater or lesser quantity.

Thirdly, And forafmuch as it will be most commodious for planters to live together, whereby they may be a meet help to each other: It is ordered, that all the purchasers and takers up of land, shall fit down by some village or township already laid out, or to be laid out hereafter, in the said province; and having chosen the village or township, which shall be most convenient and profitable for their business, the surveyor general shall set forth to the said perions, such quantity of lands, to them granted out of the aforesaid ix parts, which are not then taken up; they paying to the faid surveyor general, the usual rate of furveying in the said province; and if any person going or sending over, is willing to have a greater parcel of land than twenty five acres, he may purchase, but not more than one hundred acres; he paying down, at the fealing of

his grant, for the same, after the rate of ten pounds by the hundred acres; and so more or less for a greater or lesser quantity.

Fourthly, And if any parson is willing to buy laid, and yet for the profest is not disposed to plant there; he may so do, paying down here for his grant to the proprietors, according to the rate aforesaid. Provided, that all those persons, who by the concessions shall take up land, be enjoined to build one dwelling house, of some part of their land, within the space of seven with here is the last of December, 1881, and in case of default, out hill of their land, as a same back to the proprietors. land to teturback to the proprietor, problem of back mind of ball

was somewhat perplex'd how to preserve our own rights and secure

willing, as I have been, to mylelf any private priche for igbit thing when they presided they had either power or for it power treen all were obliged; if

guise being

Governon Come's narrative brelating to the dieifton line, directed to the council of proprietors of Will-firly.

I Was defined to give a meeting to take proposestion of East-Jersey, where were present, governor Butkeley, lord Campbell lord Melford, fecretary of state for Scotland; mr. Benn; mr. Ward, and 1687 . fix or eight more; they prefented must be original iof an agreement between the commissioners of both Jerfies in order to tun the partition point; and withal a map; whereby it is obvious heathe first glance, that above a third part of shat land, which was ever accounted to belong to West-Jersey, is allosted to and comprehended within the limits of East-Jersey: They defined my concurrence to this agreement, as being first in halows hature a most just and equal divition or quantity: Secondly agreed on by compilifioners,

on both fides: Thirdly, according to the Byllinge's influthent, who had impowered his commissioners to make an equal division: I answered in behalf of your colony and of myself that his the division was very unjust in its own nature ? and secondly, that if it were otherwise; yet I did apprehend; they, who made the agreement, were not legally or sufficiently impowered. Vitracup at and And first, as to the injustice of the division; I declared, through

they ought to have regard unto the letter of the ignormentable fir George Carteret and mr. Edward Hyllinger the line warm our from Little Egg-Harbour, wato the most northerly branch of Delsware river, in forty one degrees forty minutes They denied there was any such branch; I showed them in their own mappings one. George Keith, a river running into Belaware, swhole head near another, of Biopus rivers shall arging that to be a module of feliconable division, and that it would not off even thirds of their countries. try; that in the map printed from that original, whereon the p tition line was drawn, they had a far greater scope of land pill of them to calculate the proportion of land in both ferfice, from the map or chart; and upon the division, they adold have a like proportion unto what was therein allotted them; which would have b about the third of the whole . They approved not thereof I profered lastly, to comply with the second line, which was prope our arbitrators, whereby we gave them a large track of land, where eine fingle proper

A. D.

B

A P P E N D I A.

Into they had no right; which shewed, that we were both svilling to come to an agreement in our demands, anderste, favourable and friendly, in our concessions; I added, that the lands actually in their possession, or fold unto others before the line was agreed at the run, should, be annexed unto, and for the future; accounted part of their country; which, according to their country confession, were some of the most rich, healthful, and pleasure tracts of land in either, ernes. Neither would the please; they inside apon the agreement, and would either laye is performed do for the bond. I was somewhat perplex'd how to preserve our own right, and secure our friends from hum; but being willing, as I have been, to deny myself any private benefit for publick utility, when they present they had either power or not i If power, then all were obliged; if not, they in particulars: I antiqued, they might apprehend them selves to have power; but really had it not; as unpears by the protestation of the body of the proprietors and inhabitants of West-lersey, wherewith the lord Gampbell had acquained me! And they themselves are likewish smalles is unit as for the bonds, they could not be fued to long as they did upon no oversall oppose fuen agreedment; and the very amount they could require from them, was to much land as come to their same upon a new division, according to the deed of partitions whereame they had agreed. I then produceded to constitut their presentions from an equal division, they me the deed of partition, whereave they had figured. I then pro-teded to confute their presentions from an equal division, thewing there was not the least foot neps for fuch a claim in the deed of par-thion: I defined show to confider that West Jersey proprietors gave shore eighteen thousand pounds for the land, which cost not have jetley proprietors much above four shouland pounds, and for many years last pasty proprieties of West Jersey have been valued very little below those of Base Jersey; which was merely input the account years last pasty proprieties of West Jersey have been valued very little below should of Balls Jersey (which was merely input the account of the opinion all persons a had the proprietion of Ball Jersey, themselves since excepted, that our partexeeded themselves as leaft two thirds in quantity of landers was any self almost two years, dwarf of an inture propriety de Ball Jersey, and continually heard their complaints amorable severally any mercion of a right to an equal divisions as an quantities of little works only valuing themselves upon the goodness of their land, and doubted may of harbority, which well open all the nimbers of Indian the open of the landers of their land, and doubted may of harbority. Which well open all the nimbers of Indian the landers of their land, and doubted may of harbority. Which well open all the nimbers of Indian the landers of the l complaints primor thick before the any meaning at a right to air cipular divisions as an iquantity of libids nonly varing themselves upon the goodness of their land, and convents my of narbours, which were open all the ministers of and as for the presention, that air, by links give containing for an equal division; one could produce "mindred or windless that the girls or gument may all purchases," was distributed with the product of the purchases, was distributed only equitable according to the spicement of that its introduct only equitable according to the spicement of that if he had given a commission, I thought it not valid within that if he had given a commission, I thought it not valid within the content and other within the c the confent and concentrative of the major part of the proprietors, before he fold the hand, he might have dispered it at pleasure, and receded from his own rights; but having fold the land, the proprietors were to take case, they had their due, according to the deed of partition; upon which terms they bought. For mr. Byllinge, when he granted the pretended committee of division, was polletted only of one fingle propriety, as he confessed unto diverse, having disposed Nn2

A. D. of Seventy, by abifolute fale, and mortgaged the other twenty nine for 1688. eight thousand pounds; and the I was not willing to susp thing of mr. Byllinge; yet let any confider whether it was ht, the an indigent perion, when he had fold his land, should have it is his power to give away the moiety, under pretence of a power in adjult the division, for which he might receive a great lum of money, if favourably determined on the behalf of those with whom contended: And therefore, no division can be accounted just and legal, which hath not the confent and concurrence of the majority of the proprietors: I declared unto them, we had thereupon appoint ed a general meeting, and we should acquaint them with the reful of our confultation, if they complied with our propolal; and that it be likewife affected to by the majority of the proprietors in West-Jersey, it should become a final decision, and be entered in both of records, as upon such occasion is usual; on the contrary, if they would not hearken to a fair and just proposal, wherein we shall recede considerably from our right; we will declare ourselves site, and maintain the line according to the deed, until they can, either by course at common law, or by an appeal unto his majesty, make an alteration: And the owners of about forty proprieties in and about the city, do request all those who are present in West Jersey, to lay claim onto, and account as your own just right, all that had from Egg-Harbour, to the north branch of Delawars, according to the letter of the agreement in the deed of partition, until the prothe letter of the agreement in the deed of partition, until the proprietors of East-Jersey have totally abandoned all pretantions unto this last, subtilly contrived, pretended agreement; for if they have recourse to the common law, I am very consident, above two part of three; will become undoubtedly ours. If they appeal to the king; we have not only considence in his common justice, and anbiassed respect unto all his subjects, but a particular hope, that his majesty will remember the time and manner, and other circumstances of the division; how six George Carteret, assured his highness the being duke of York) that he chose the least part, because near that his government of New-York. It is likewise well known, and can his government of New York. It is likewife well known, and can be attested by diverse, that fir George parteret did value his share, the by him acknowledged not half so large as the other; yet abundantly preserable, upon the account of its being well settled with a sober and industrious people, which would invite others to come there. Whereas the other was a defart, and so little esteemed for some there, whereas the other was a defart, and so little esteemed for some there, that land in East Jersey sold ordinarily eight, and often ten lines the value which was given for land in West Jersey. It had the advantage of seven fair towns, inhabited by 3500 people; as appears by a list I have! They well accommodated with corn and stock, able to supply at easy ratea, new-comers with corn and sattle; which cost the first settlers of West Jersey a third more; Besides the neighbourhood of New York, a place of great trade, where they could be readily supplied with whatsoever cloaths, utensis, e.e. they wanted a list yand interest among the proprietors of New-Jersey, and who hath often professed a great kindness for the inhabitants of West-Jersey, would have afforded me some assistance, and moderated at Jersey, would have afforded me some assistance, and moderated at his government of New York. It is likewife well known, and can be atteffed by diverse, that fir George Centeret did value his three

the least the violence of the current, upon the pretended agreement; but he hath frustrated my expectation, by complying with them, in all things, and figned with the reft ; which I confesswas extreamely surprizing to me; and will, I doubt not, appear a little strange to divers amongst you : I could not imagine any considerate indifferent person could approve to unreasonable and surreprisions an award But I perceive, that which most influenced hims is a persuation that the division ought to be equal in quantity, and in confirmed thereio paffage in Mr. Byffinge's committion for feetling bound wherein he uses the word equal; and is perfunded, being berein influenced by Mr. Reith's faile map, of which is have sent your copy, that Mr. Reid's proposal is very fan and an exact equal division of the country. I do not herein charge Mr. Benn with any fault, who I believe acts according to his convictions; but Lonly, acquaint you herewith, that you may understand your own missortune; for had not Mr. Penn embraced our inverest, we should probably have made a more speedy and advantageous agreement; the proprietors mightily fortified by his countenance and authority, to adhere to the late award, only is a great argument of their moderation and juffice. They have made an order figned likewife by Mr. Penn, that if upon a new furvey, it appears this agreement give them the greater moiety, they will refund fo much as may reduce it to an exact quantity. It was a great defect on your part, to agree upon a divinion either with New York or East Jersey, until you had a most exact survey of the country; they of New York and Kall Jersey, have in this respect, exercised the highest produce, knowing the whole country to a little, and thereby have both overreached you. I have seen their draughts, than which mothing can be more exact ; but they dare not yet print them; till they have adjusted the after with you, left their own maps should nife up wind is against them: And confidening how curiously and diversely Rariton fouth, and Paffaith river are branched, Lindge their country, quantity for quantity, double the value of course I, never yet fave any maps of Well jersey, in the least comparable to their of East-Jersey : I have fent you a pattern of one part of their country, tho they have a draught of every parcel, and the times more large and particular than this. I do therefore make it my ferious advice, and earnest request that you will, with all speed, cause a very particular map to be made of your country. I do not most of every propriety or plantation, but a true account of the length, with a mote, if any part of the part of the country be extraordinary barren; where those barrens are, and of what extent? I had almost forgot to tell the a pretty policy of Mr. Keith and John Reid, I suppose by direction from force of their superiors: The draughts they produce for division, are not in the least according to truth, nor according to those they lent their pro-prictors, whereof I having been two years of East Jeridy, have most certain knowledge, and exact copies of their own draughts, to compare them; but in those maps they produce for division, they make our country towards the sea and bay, near double the bigness it really bears, and their own almost half as little as really it is; thence arguing for the reasonableness of addition unto the true line; and A. D.

indeed that which they pretend an equal division, to say nothing of its exceeding ours, generally speaking in goodness; it is above a fifth part greater in quantity, so that having received upon all hands, so unfair dealings, I declare it unto you all, as my opinion and advice; and if I have any authority amongst you. I intreat and require, that you treat not with them any further about any accommodation, nor own that pretended to be already made; but stand by the letter of the agreement between fir George Carteres and Mr. Byllinge, viz. That the line be run directly from the east fide of Lattle Egg-Harbour, unto the most northerly branch of Delawar, twer, in forty one degrees and forty minutes: And I question not, but we thall bring them to more reasonable terms than any they have hitherto proposed; at least no pains no cost shall be wanting on my part; and I have the concurrence of all our proprietors, Mr. Penn excepted, whom I could any ways meet with or confult. And whereas I am very credibly informed that the proprietors of Eat-Jersey, have ordered lands to be taken up in divers places near the new pretended line of partition; that having possessions upon a review they may have a more specious claim; if any attempt of this nature be mide, I do not only protest against it, but request and defice that all the inhabitants of Well-ferley do the fame ; and as the fame time, the furveyor of West-Jersey of the lame; and are a lame time, the furveyor of West-Jersey, or his deputy, do immediately take up in my name, all that land which is westerly of the Mill-Stone and Rariton river, which was not actually in their pelfession of East-Jersey, at the time of their pretended award between Mr. Emley and Reid: You will better understand my mind by the inclosed map, which is a copy exactly drawn from one of their original. male; and we favour them very much in going no further (for according to ftrictness, our line runs within these miles of Perth-city and by allowing them that great tract of most excellent land, from thence to the meeting of Millstone and Raviton vives. of shall add one thing more, which fremeth to me of the greatest consequence. I befeech you let there be no animotry or indignation, severe ochiere, or spightful reflections, on those who gave their consensuance the award made by Emley: For my part, P am fully fatisfied in the honefly and fairnes of their intentions; but the best of men a be overreached by cuming defigning persons a forget what's pe and live together as becomes christians, and neighbours and point To I shall likewife endeavour to feeure them from any mouble, only they carnot act in conjunction with the rest of the proprietors; concerning which I shall give them particular infractions; in the interim, I remain your most affectionate friend Date Coxe.

The papers here and before introduced, volating to the division has between East and West-Jersey, appeared to be those best adapted to give a general insight into the proceedings; and the reader may rest assured that they were not selected with the least partial biast to other side of the questions; but if contrary to expectation, it should be becomitter sound that any thing material to the purpose is omitted, upon its being property pointed out, endeavours will be used, with this utmost candour, to have such amission supplied, or the matter otherwise rectified, as far as opportunity may allow.

NUMBER

ideed they which they be is exceeding ours, go with part greater in often R B B My Der Rud upon all hands, in uniair dealings, I recies . on all, as my opinion and

The council of proprietors of West-Tersty to governor Burnet. dation, nor own hat refer to

To his excellency William Burner, effi captain general and commander in chief of the province of New Jeries, &c. and the hondurable his majesty's council there met! on an aucoust 32.

IN obedience to an order of council, appointing a time to the proprietors for exhibiting their reasons, why the hill for repealing an after running and ascertaining the line of partition between the eastern and western division of New Jersey, now lying before the council, should not pass. We for ourselves, and in behalf of those for whom we are concerned with, other the proprietors of New-Jersey; humbly beg leave to represent as followeth, viz.

That king Charles the second having by letters patent in the ways 16621, granted to his brother, his royal highness the duke of

year 16631 granted to his brother, his royal highness the duke of York, and his heirs and affigns, all those tracks of land in America, of which she colonies of New-York and New-Jersey, now consist; his royal-highness by good deeds and conveyances in the law, granted all that part called the province of New-Jersey, as it is now bounded by the sea. Hudson's river. Delaware hay and river, and a strainling running from the latitude of 41 degrees, on the west side of blidson's river, to the latitude of 41 degrees 40 minutes, on the east side of Delaware river; upto the right honourable John lord. Beskeley, and fir George Carteret, and to their heirs and alligue

half part of the faid tract or province, unto John Fenwicke, in trust do Edward Byllings and the faid Fenwicke, by other, like deeds duly executed declaring the faid trust granted nine tenth parts or minety hundreden parts of all the faid moiety, which the faid lord Barkeley had conserved to him as aforefaid, anto William Penn. Gawen Laurie, and Nicholas Lucas, in trust for the faid Edward

Byllingens emodel and Nicholas Lucas, in that for the sale caward Byllinge, substructed and field fit George Carteret, and the faid Edward Byllinge, and truffees, upon a full and absolute agreement among themselves, for dividing the faid premisses into two equal parts in value, by indenture cointipartite; dated the first of July, 1676, did accordingly divide the said land, by a line to be run from little Egg Harbour, to a certain station point in the latitude of 41 degrees 40 minutes, on the most northerly branch of Delaware river; by which the easterly part was ascertained to fir George Carteret, and the westerly to said Edward Byllinge and trustees.

That after the said partition so agreed, the said Edward Byllinge, and tustees, proceeded to grant and convey the said Edward Byllinge's part or share, being nine-tenth parts of the western moiety, unto several purchasers, under whom most or all the lands of the said western

western division are held, excepting only Salem tenth; and that th proprietor of the faid tenth acquieled allo in the fame, can be infi-ciently proved: And in all and every of those deeds of conveyance, the faid indentures quinti-partite, and divinous made thereby, are recited as the foundation on which all those grants respectively a made in the faid westerly part or division.

made in the laid welterly part or divinon.

That aften the faid in George Circurer's decease, his widow, an That aften the faid in George Carry impowered, granted all a executive, who was thereunto fully impowered, granted all a executive, who was thereunto fully impowered, granted all a executive, who was thereunto fully impowered, granted all a executive who was thereunto fully impowered, granted all a executive who was thereunto fully impowered, granted all a executive who was thereunto fully impowered, granted all a executive who was thereunto fully impowered. eafterly pare of the faid province, to certain purchalers, called the proprietors of ball Jersey, by findry deeds and conveyances, all which deeds in like manner recite the aforefaid indentures quintipartite, as the foundation on which all those grants in the callent

That it is only by force of this agreement and partition, executed as aforefaid, that the proprietors of the wellern division are limited to the wellern part of the faid province, on the fide of Delaware; and that the proprietors of the eastern division are limited to the eastern part of the faid province towards Hudfon's river and the fea; for had no such division been agreed on, as is recited in all the respective deads of conveyance to the proprietors, those of the western division) might with an equal light, have claimed the land towards Amboyi, sic, and thuse of the rattern might have claimed towards Amboy, sic. and thuse of the eastern might have claimed the lands towards Burlington. But the land quinti-partite indentities being executed as aforefaid, before the fales to the proprietors were made, and recited in all the deeds of conveyance, became an absolute limitation; so that neither on the one part nor on the other, any purchasor could claim otherwise than according to that limitation, by which their leads were affinilly associated to that limitation.

by which their lands were actually conveyed.

That notwithstanding this legal, clear and absolute partition, which is binding on every proprietor of the eastern division, and at least on all the nine tenth parts of the western division, fold by Edward Ryllinge, or his truffees, and from which, those who are skilled in the law, well know it is impossible legally to recede, without the joint concurrence of every individual interested on the purchases made, under Edward Byllinge, and trusfees, and under for George Carteret ; formit is well known, that no majority without the whole will in these cases determine the point; yes there have been fome perforts found from time to time, who on partial views to themselves, have laboured to introduce some other fort of division; and confiderable numbers have been to far unhappily imposed upon as to imagine a change thereof might be practicable. from which infortunate deteption, attempts have been made to alter it, and fome lines for that purpose have been run, and fertlements thereupon made, without due regard to the true bounds of the respective divi fions; which introduced such confusion, that the value of lands near the boundaries, have been much lessened, and the people discouraged from making improvements, where the light to the foil itself was liable to be questioned, as not lying within the divition, under wh it was purchased. anvitisus not esualt his

That the mischevious confequences and manifest irregularities of these attempts, as well as their injustice and inconfidency with proprieties in the ware

and reason; being at length maturely considered under the adminifirstion of your excellency's honourable prodecessor, brigadies.
Hunter, a bill was prepared, not only for causing the aforesaid partition line, directed by the quinti partite indentures as aforesaid, to be actually run, as the only legal division that could be made, and which might well at any time have been run, by the tenour of the proprietors general deeds, without any leave, if means could have been readily found to defray the charge; but it was allo more especially provided in the faid bill, for the fettlement of all those who by any mistake said feated themselves, or taken up their lands, without the bounds of their respective divisions, in which they ought to have been surveyed, that they should all be served in their respective posfessions, by the exchange of an equivalent, granted by each division to the other, which method was judged to be the only practicable means of ittaking all those inhabitants only and safe, in all their improvements and citates; and accordingly the faid bill, though at first exploded in the assembly, as being brought into the house somewhat too late in time; yet when admitted, was passed by the governor and council, and by the same house, without one differiting vote. And in purfuance thereof, with the concurrence and affiftance of the leveral provinces concerned, the station point, at the latitude of at degrees to minutes, upon Delaware, was fixed, and random lines were carefully run along the whole distance of the two extreme points, that the true line itself might be run with the greater certainty and ease. It was therefore afformining to us, to find (as your excellency and honourable council have been pleased to make known to us) that it should enter into any man's thoughts, to solicit the repeal of an actgrounded on so solid and unmovable a foundation in law on one part, and on luch justice and equity on the other, as we have here humbly representeds, and this even without the least offer of any other plan for remedy of the evils, under which this province has so

long taboured for want of a due fettlement in the premites.

Nor can we conceive what motives could possibly induce any inhabitant of the province, to endeavour to sap the very foundation of all our settlements, unless there should be any of the opinion, that yiff, regular and final determination of the boundaries, and a clear and quiet establishment should not quadrate with their particular interests; and that they may hope for greater advantages from their own boundless claims in a state of confusion a That there may be something of this kind in view, we have but soos great reason to apprehend from the strenous endeavours used of latera district groundless jealonses and falle infinuations, among the people of the western division, as if the lesse proprietors would by the lateract, be in danger of losing their fourth dividends, while the greater would be secure in the possession or theirs; the absurdity of which, the actifiels, with the common method of taking up those lesser fourth dividends, will fully evence; as also introduce new and extraordinary methods of splitting the smallest shares for qualifying votes for the council of proprietors, who at this time consists of a number of men, whose shares (one gentleinan only excepted) will not, as we are well assured, amount to two proprieties in the whole; nor were their electors

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electors much differently qualified, as upon a ferning, l'aispide falle made to appear ann leupe un rot : desput trade propertien leupe un rot : desput trade properties de l'aispide falle l'

But as your excellency's principal concern, is the peace and profession of the people, committed by his majesty to your care; and no subjects can be more deeply interested in the same, than his majesty's honourable council for the same province a said as your wisdom we doubt not will as clearly see, as your justice will dispense, and order what may must conduce to those desirable ends; in a firm dependance therefore on both these, we shall crave the liberty to pray, that the said bill now lying before the council, for repealing that most useful ass, may be rejected and that instead of yielding to what might engage his majesty's province in surred confidence, your excellency and the council, together with the assembly would be favourably pleased to encourage such other proposals as may be made, for happily ending all manner of controversies and disputes, conterning the estates of the people of the said province some broods it

John Ladd, for himself and Col. John Allford; Jahn Budd for self-rand Boulets of John Kay, Wmo Cooper, Francis Rambos jun. Charles Bregden, Samuel Lippincott, John Saturden of the Mandon De Cow, for, himself and Samuel Barbers Matsbenus Gurding, Hoac Pearson, William Panceast, William Biles, Haac Warfon, William Ravele, Thomas Sharp, for self and John Dennis a John Estage, for the London company, John and William Biddle, Hugh Sharp, Herry Hodge, Robert Rands, George Budds James Logan for proprieties, William Penn's family 12, John Bellow L. Ames Stinetle se myself is Richard Hill for Nath Stanbury, Mary Willfam 2 200 1911

# the of land between Statisment Will and that commends allow the feeter line, up to the South branch of Rartton; and also

hould confent to an amendment of the above, resevances, and that

Reasons and proposals for an amendment of the quints partiteline, and the all made for the confirmation thereof.

A. D. First. BECAUSE the act was passed without the knowledgent consent of numbers of the proprietors, and the allowing or disallowing the line, being matter of property, and of great consequence to them; it is conceived to be against natural justice to pass any law, to dispose of their private property without their con-

agreed to by the governors, and majority of the proprietors of each division, and actually run at great expense.

Third, Because the act is described in divers instances, and particularly in this; that they by the act, the quantity of land in each division, is to be the same, yet the quality thereof is not regarded, and may be extreamly different; the saftern division being well known to contain confiderable more good land than the western; which, with the addition of Staren-Island, which it's presume in their right, will make their share considerable more in value than the western.

what must full to the western proprietors; and particular persons he very much prejudiced thereby; for an equal number of acres of land, up at Mahotkamatk, for in any of the upper parts, would fearerly be thought an equivalent to any individual, for the last of a tract in the lower part of the province of the individual of that act.

Fifth, That feveral tracts of land, fines the making of that act.

have been taken up both by weltern and entern proprietors, which the line, when run, may can into the opposite division from this they were thought to be grand as this mittake would not have hap pened but from the neglect of running the line; it would be hard they should suffer, and would therefore be proper to full on thealures to fecure them in their policificancion project with against this ne

Sixth, The commissioners and surveyors are not limited from but have it in their power to give away (under preferee of an equilant) the charg of any one very rictor; if in the fourth dividen the Land for hundelf and Col. John deferd. And belouding

Seventh, That many of the proprietors and purchafers in West Jerley, had, before the making of that act, fold feveral gaths of land, furveyed and recorded in right of a fourth dividend, which may fall to the enitward of the quints partite line, also they were to the well ward of the time spreed to by Cose and Barday, Twhich as that time was universally effectived to be the true line) yet by the liable to be fued and put to great charge a which is an inco Proper to be confidered and redrested to 1. 1 months of manife

It is therefore proposed, that the proprietors of each division, should consent to an amendment of the above grievances, and that an equivalent be given to the wellern proprietors, for the los of that gore of land between the quinti partite line, and that commonly called the footch line, up to the South branch of Rariton; and also for so much of that tract of land lying in the forks of the north branch of Ratiton, held under eathern rights, should it be confirmed to the caltern proprietors pursuant to that act, it being always received to be in the western division by the agreement made between Coxe Perfit RECAUSE the act was pasted without the avelared bus

# manowing due may being maner or property, and cost quence to them; ilveoned on be are in natural full of the any law, to dispose of their private property without their top

At a council of proprietors held at the city of Parth Amboy, expreed to by the government and programme proprietors of

# There and actually run at creat expence. The set Because the act Medical and Person intences, and we

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John Hamilton, esq. president, and you Mr. Danster ich at vital Robert Hanter Morris, esq. and not my Peters, for Mestrs. Penns.

for Mr. Afhheld's propriety it : transMr. Leonard and vam Mr. Alexander it base soon some slewing weill start of the control o

Mr. Johnson which which staten liland which standard I'monnothe standard which Mr. Burnet, and interaction and Mr. Poreman.

TWITTE

(B)

THIS board having had under confideration, at its feveral meetings in and fince September last, the paper delivered by the wastern proprietors, entitled, reasons and proposals for an amondanche of the quinti partite line, and the act made for the confinancion thereof, have hitherto delayed coming to any refolutions; in order that all the members might thereby have an opportunity of weighing and giving their judgments in a matter to nearly affecting their interests and the same being now maturely considered at amfull board in is manimoully agreed; to teturn the following univers to the feveral

articles of the faid paper. It is the opinion of this board, that though the aft might have palled without the knowledge and confessor fome of the proprietors of the western division of New Jersey, yes they have reason to believe, it was warmly folliefted by such as were owners of a great number of the shares, and past with the confent of a greater number of those proprietors, than ever bath been, or can be get to agree to any alteration of that act: As to the quinti parties line, the deed of 1676, by which it was agreed on, having been executed by all the then proprietors of the eastern and western divisions of Newerfey, did legally establish that partition line; and being to established, it wanted not the authority of that act to make it binding on all parties thereto, and their affignes; nor does that all, as we conceive, by establishing that line, dispose of any man oproperty.

To the feood, this board has been informed, and believes, that in the year 1686, the lieutenant governors of the caftern and weffern divisions of New-Jersey, entered into bonds of arbitration, to stand to the award of John Reid and William Emley, concerning the partition line between East and West Jersey; and that those urbitrators made an award of the course which such line should run from little Egg. Harbour; and that the following year George Keithy surveyor general of the eastern division; did, as we believe, autheir expence, actually run the line so awarded, from little Egg Harboury to Dobies plantation, on the fourh branch of Rariton , which is upwards of have hitherto dela ved ab-

This board has likewife been informed, and believes, chat another partition line was afterwards agreed on between the chief governors doctor Coxe and Robert Barclay; but has not heard of any parethereof being afterwards actually run; and it appears not by any thing on our records, that either of those two lines were made binding on the proprietors of either division, or with confent of the majority of the proprietors; and had they been with fuch confent, yet could they not thereby have appeared to after the quinti parties line before

agreed to by all the proprietors. " The want to sufficience at

To the third, we know nothing in the act that supposes the quantity of land in each division to be the fame; nor do we conceive after the execution of the quinti partite deed, that the proprietors of either division had any concern with the quantity or quality of the land of the other division; tho' were it a matter proper to be enquired into, we have reason to believe, that the western division would be found to contain a much greater number of acres, even including Staten-Island, than the eastern division. To

To the fourth, there has been many applications from the eaftern to the western proprietors, to join in the funning the quinti partite line according to the act, and the eaftern proprietors have always been ready to join in that work; and if any miltakes have happened fuch as the article fets forth, its but reason they should suffer, leeing the proprietors of both fides were infficiently warned by that act, of the danger of such millakes, and ought to place their loss thereby to the account of those who have been the cause of the delay of the

To the fifth and fixth, we are of opinion, that the act was principally framed, with a view to prevent the inconveniencies fet forth in

these articles, and is sufficiently worded to answer the ends.

As to the equivalent proposed by the said paper to be given to the western proposectors, we conceive, that the act has fully provided a remedy for an equivalent to that division, to which it shall be found

And upon the whole, as the act was passed with the consent of a very great number of proprietors, especially of the western division, and as the act has received the royal affent, fo that no alteration can be made therein but by the king's express affent first had; And as it might boof very dangerous confequence, to alter, or attempt the altering any part thereof, and as we believe the confent cannot be had of forgreat a number of the proprietors to any alteration, as there was to the making of the act; we cannot agree to any the leaft alteration therein; and hope the western division proprietors will join with the eastern proprietors in the running of the line, and estimating the equivalent, pursuant to the act: And that the work may be begun this fall, and carried on in the manner proposed by the minute of this board, of the 28th of May, 1741, (whereof a copy was then fent to the western proprietors) or in such other reasonable manner as can be agreed on; and hope, that we may not be laid under any necessity of running the line exparts, or of taking any compulsory method for fettling the equivalent; and in hopes that things, fo disagreeable, might have been avoided, we have hitherto delayed the having recourse to them.

have hitherto delayed the having recourse to them.

Ordered, that Mr. Johnston, Mr. Nevill, Mr. Burnet, Mr. Leonard and Mr. Smyth, or any three of them, be a committee to agree with the western division proprietors, upon the time, ways, and means for running the faid line, pursuant to the act; having regard to the former minutes of this board concerning the fame, and to employ the persons necessary for the work in behalf of the eaftern proprietors; which committee are to be ready at Perth-Amboy at any time, until the end of March next, to meet or correspond with a committee of the western proprietors for the above purpose.

Ordered, that if any other of the members of this board, be at Perth-Amboy, that they be admitted into the faid committee Lawr. Smyth, regitten to the council of proprietors.

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exists distinct and an concept with the quantity or quality of the property of the property of the same property of the B. E. X. 3 B. M. U. N. review to believe that the wellern division of the same wellern divisions.

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others, or elic foun The remonstrance and humble petition of your majesty's rough logal falls jects, inhabiting in your majeffy's province of East New Jersey, red) wait only for wind the

the inhabitants ofished widmattiv's

or making any fatisfaction

THAT whereas your majefty's humble petitioners did temove and fettle themselves into the laid province of East New Jersey, and by virtue of a licence from the honourable colonel Richard Nichola, governor of the faid province, whiter has then royal highness the dake of York; to purchase lands of the native payans; did, according to the faid licence, purchase lands of the laid natives, at their own proper coffs and charges; and whereas fince his faid toyal highness did fell and transfer all his right and interest to the faid highness did fell and transfer all his right and interent to the laid province of East New Jersey, to corrain proprietors. By whole licences, several others your majerty sloyal subjects, have also since purchased him as at their own proper coits and charges, of the native pagents of the same place, whereby they humbly conserve they have acquired and gained a right and property to the said lands to purchased; yet notwithstanding, your majerty is loyal subjects are molested, disturbed and dispositified of their laid lands, by the said promicrors or their agents; who under pretence and colour of havi bought the government, with the soil have distrained from a specified feveral persons for and under the pretence of dan lent, a brd's rent; whereby your majesty's liege subjects have been intended put to great mouble and charges, and have been compelled answer to verations actions; and after they have defended their origines, and obtained judgment in their favour, could not have defended their or their charges, as according to law they ought to have; but have be forced to se flown under the loss of leveral hundreds of pour furtained by their being model the loss of leveral hundreds of pour furtained by their being model trades.

what in their holds at their own projects's flere indicate have purchased their lands at their own project tone and charges, by virtue of the aforefail licence, yet the failt proprietels, governor or agents, without any pretended process of law, have given and proprietols and others, as to their femical it.

And possible and others, as to their femical it.

And possible and others, as to their femical it.

And possible and others, as to their femical it.

And possible and of June, 1632, fill about the larger end of August, 1632, without any government, and that up in the une of actual war; to that had the energy made a delected upon us, as were without any military officers to command of give dies. we were without any military officers to command of give distances, in order to our defence, or magificates to put the law execution; and during the whole time, the faid promisetors agoverned this your majeffy's province, they have never taken to preferve or defend us from the native pagans, or other en by lending or providing any arms, autmunition or flores; but rather

have provoked and incenfed the faid natives to make war upon us, by surveying and patenting their lands, contrasty to their liking, without purchasing the same from them, or making any fatisfaction in consideration thereof; and sometimes when the said natives have fold and disposed their lands, as to them seemed meet, they the said proprietors have disposed of the same to others, or else found them who had the property in its to purchase it of them, apon their own terms; which the faid natives have highly refented, and often complained of, and (may juftly be feared) wait only for an opportunity to revenge it upon the inhabitants of this your majetty's province,

And further to manifelt the illegal and arbitrary proceedings of the And further to manifest the illegal and arbitrary proceedings of the faid proprietors, in contempt of your majesty's laws, and against their own knowledge, fightfied in a letter by them to the council here in East New Jericy, wherein they say as followeth: We have been obliged against our own inclinations to distrib colonel Hamilton from the government, because it a late act of parliament disabling all scotchmen to serve in places of publick trust and profit, and obliging all proprietors of colonies to profess their respective governors to she king, for his approbation; so we have appointed our friend Jeremiah Basse, to succeed colonel Hamilton is government, whom we have also presented to the king, and by him he is owned and approved of. Notwithstanding which letter, they have uperfeded the said Jeremiah Basse, (whom they wrote was approved by your majest) and have commissionated the said colonel, riamiston, without your majesty a royal approbation; although removed before by them, as a person disabled by law; who now by visitue of their, the said proprietors commission only, would impose himself upon us as governor; and when in government before, superfeded by the aforesaid Basse, was by them continued about a year after the 2 sthe of March 1697, without taking the oath enjoined by law; and doth now presume to exercise government, not having legally taken the said oath, or having your majesty's royal approbation. The said proprietors of East New-Jersey, have also, in contempt of your majesty's known laws, commissionated a native of Scotland to be secretary and attorney-peneral of this your majesty a native, of Scotland to be secretary and attorney-peneral of this your majesty a native, of Scotland to be secretary and attorney-peneral of this your majesty a native of Scotland to be secretary and attorney-peneral of this your majesty. proprietors of East New-Jersey, have also, in contempt of your majesty's known laws, commissionated a native of Scotland to be secretary and attorney-general of this your majesty's province; (being both places of the greatest trust next to the governor) and one of the same nation to be clerk of the supreme court of this your majesty's province; which may be of ill consequence, in relating to the set of trade and navigation, and to the great hindrance of your majesty's loyal subjects, (the power of government being chiefly in the hands of natives of Scotland) from informing against any illegal at fraction trading, by Scotchmen, on others in the province.

We your majesty loyal subjects, labouring under these and many other grievances and oppressions, by the proprietors of this your majesty's province of East New Jersey; do in most humble manners lay ourselves before your majesty (the fonotain of justice) humbly imploring your majesty will be graciously pleased, according to your princely wisdom, to take into consideration our evil circumstances, and and the province of the scotland of the proprietors of the your majesty will be graciously pleased, according to your princely wisdom, to take into consideration our evil circumstances, and and the province of the proprietors of the pour princely will be graciously pleased.

princely wildom, to take into confideration our evil circumflances under the prefent proprietors, (if the right of government is invelted in them) and that your majesty will be graciously pleased to give

your royal orders to the faid proprietors, that with your majefty's royal approbation, they commmissionate for governor, a fit person ualified according to law, who as an indifferent judge, may decide the controverties arising between the proprietors and the inhabitants of this your majefty's province; and fettle all the differences, which at prefent they labour under; and your majefty's peutioners as in duty bound, shall ever pray.

John Royce, Samuel Walker, Vincent Regnion.

m. Befides thefe three, there are 221 more in the riginal.

# NUMBER. IX.

To the right bonourable the lords of the council of trade and foreign plantations.

The memorial of the proprietors of East New-Jersey, in America. THE proprietors having in all their applications to this honourable board, shewed an aversion to have any controverly with his majefty; as by their feveral expedients in their memorials laid before your lordfhips may appear; and confidering how often the near neighbourhood of East-Jersey to New York, (the most important frontier belonging to the crown of England, in North-America) has been urged upon them, to induce them to a refignation of their go vernment; they do hereby declare themselves ready to Turrender the fame to his majesty; although the government was the chief motive of purchasing the faid province, which they did by the opinion and advice of eminent council, learned in the law; upon the credit of which, and the confirmation by king Charles the fecond, of the title to the grantees, their heirs and affigns, as absolute proprietors and governors (as by his proclamation hereunto annexed does appear) they have buried great part of their effates in building, and planting the country; and at their own expence maintained the government for feveral years past, as well as before his majesty's happy succession to the crown, as ever fince; and have not received any returns whatfoever, for all their labour and coft to this day. In confideration of the premisses, the proprietors do, in humble considence, tely on his majefty's justice and goodness, to confirm to the proprietors and planters respectively, the following rights and privileges; to render them (at least) as easy under his majefty's government, as when under the proprietors; towards which they presume to enumerate the following particulars, viz.

First, That his majesty will be graciously pleased to confirm to them, the foil and lands of the faid province, and the quit rents referved upon the grants made, or to be made to the planters or others.

Second, That upon the annexation of the government of the faid province, to that of New-York, the port of Perth-Amboy may be established, for entering ships, and importing goods there,

and exporting goods from thence, without being obliged to enter their thips at any other place; paying the same, or like contom to his majesty, as are or shall from time to time, be payable at New-York.

Third, To have free liberty to trade with any Indians, or other inhabitants of America, without interruption; and the problem have the fole privilege (as always hath been practiced to have the fo'e privilege (as always hath been p chasing from the Indians, all such lands lying within East.

as yet remain unpurchased from them.

Fourth, All necessary officers and courts of justice, for administra-tion of justice, in cases criminal and civil, to be appointed and held in East-Jersey, in the same manner as is practised within the government of New-York; and that the inhabitants may not be obliged to go to New-York, or be impleaded there, for any criminal or civil matter arifing within East-Jersey, nor be compelled to serve upon juries, or in any ministerial office within the province of New-York.

Fifth, That a superiour court be held twice a year, at Perth-Amboy, before which writs of error, or appeals (in the nature of writs of error) from other courts within the province, may be brought and

determined.

Sixth, That the publick register, and all records relating to the said province, may be kept at Perth-Amboy, and not removed to any other place; and that the conflituting of the secretary and re-

gitter, and the furveyor general of the faid province of East New-Jersey, remain in the proprietors.

Seventh, That the same number of counties be continued in East Jersey, as there are at present, and by the same names; and that each county in East-Jersey, may choose and send as many representatives to the general affembly, to be held for New-York and East-Jersey, as are or shall be chosen by any county in New-York; and if any more counties shall be hereafter created or appointed in New-York, as many may be created and appointed in East-Jersey.

Eighth, That a proportionable number of the inhabitants of East-

Jersey, may be appointed to be of the governor's council, at all general affemblies, and to have votes therein.

Ninth, That the twenty-four proprietors may be fords of the foil, and hold courts for the lands in their propriety hips, and ap-

point all officers that relate thereunto.

Tenth, No person or persons whatsoever, to be molested or deprived of any civil right or privilege, or rendered uncapable of holding any office or employment in the government, because of their religious principles; the province being planted by protestant people of divers persuasions, to whom that liberty was an original encouragement.

Eleventh, That all wills of persons dying within Last series, and letters of administration of estates lying there, may be made and granted by the chief judge of East-Jerley, for the time being, who is to refide there, and a register thereof kept at Perth Amboy.

Twelfth, That the proprietors still have their powers continued,

to grant markets and fairs in the faid province.

Thirteenth,

Thirteenth, Lastly, all lands, goods and chattles of felons, felons of themselves, deodands, sugitives, persons outlawed and put in exigent, waifs, estrays, treasure trove, mines and minerals, royal mines, wrecks, royal fish, that shall be forfeited, found or taken within East-Jersey, or by the inhabitants thereof, within the seas adjacent, to remain to the proprietors, with all other privileges and advantages, as amply as in the grant and confirmation to them of the fourteenth of March, 1682.

And because many of the proprietors of East-Jersey, are also proprietors of West-Jersey; it is humbly defired, that colonel Andrew Hamilton, may be dispatched by this board, to the government of West-Jersey; his presence being much wanted there, for the convenience of his majesty's subjects in that province.

Signed by order, and on behalf of the proprietors. WILLIAM DOCKWRA, fecretary and register.

### NUMBER X.

Opinion and answer of the lords commissioners for trade and plantations, to the memorial of the proprietors of E. N. Jersey, in America, signed by Mr. Dockwra, and received from bim the 5th of July, 1699.\*

ARTICLE I. WE have no objection to what is herein defired.

ARTICLE II. We conceive his majefty may do what is here We conceive his majesty may do what is herein proposed, in case the proprietors accept of a new charter, with such conditions as are reasonable, with relation to their propriety; but that it is very improper for his majesty to oblige himself to a compliance with this article by any clause in the new charter.

ARTICLE III. The first part of this article is unreasonable; fince it may happen to be sometimes advisable to restrain this liberty: But the preprietors of East-Jersey may have the same liberty granted them of trading with the Indians, as is granted to the inhabitants of New-York, or any other plantation in America, under his majefty's immediate government; what relates to the purchasing of land

may be allowed ..

ARTICLE IV. The first part of this article, we conceive, may be fit to be allowed, (provided the officers be appointed by the king's governor) but not without appeals in civil matters, to the king's governor and council, and to the king in council; nor fo as to hinder trials in criminal matters, by his majesty's especial commission, to be executed either in New-York, or East-Jersey, as shall be thought fit; New-York and East-Jersey being to be accounted one province, without distinction, except as to the propriety of lands, and the dominum utile.

<sup>.</sup> Taken from the books in the plantation office.

ARTICLE V. This article we think fit to be allowed of, provided there be a further appeal to the governor of New-York, and council, which is to confitt as well of the inhabitants of East-Jersey, as of

those of New-York, indifferently.

ARTICLE VI. What relates to the publick register and records, to be kept at Perth-Amboy, may be allowed; but the not removing them to any other place, upon any account whatfoever, when the publick fervice shall require it, seems unreasonable; and the proprietors conflituting of the secretary and register (which the king does every where appoint) does not feem fit to be allowed; hor is it fit there should be more than one chief fecretary, both for New-York and New-Jersey, who may appoint a deputy to officiate in his absence

The surveyor general has a more particular reference to the propri-etors and their lands; so that their constitution of such an office,

may be allowed.

ARTICLE VII. We have no objection against the number of counties; but the rest of this article feems to be wholly unreasonable; and in case East-Jersey be allowed to send one fixth part of the representatives of the general assembly, and West New-Jersey one fixth more (which would be one full third of the whole number of the representatives for New-York and the Jersies) it is as much as can well be allowed; fince otherwise these two Jersies under proprietors, would come in competition with New-York itself, and out-vote that part of the province when united; so that one third of the number of representatives for the Jernes, and two thirds for New-

York (or thereabouts) feems a reasonable proportion.

ARTICLE VIII. This may be reasonable; but then the proportion must be agreed on, so as to answer that of the preceding article.

ARTICLE IX. We have no objection to this article, in case those officers be no other than such as constitute a court baron or left in England.

ARTICLE X. This article must be regulated by acts of paris.

ment, and the usage of New-York itself.

ARTICLE XI. The probate of wills is usually in the king's governor; but he may appoint commissiones for executing the same in any part of his government.

ARTICLE XIL. We have no other objection, than that this power

animediate. is usually in the governor. ARTICLE XIII. This article may be reasonable, except as to the goods and chattels of traytors, fugitives, and persons outlawed, which is matter of flate; nor can right accrning to the proprietors from the seas adjacent, be well circumscribed; the grant also of 1682, ought to be duly considered, and such particulars therein as are proper, may be allowed of without such a general and undetermined reference. think the men a windless for them who have the think

of the months wise. Sent of the has wise at our of a charact

### NUMB. XI.

To the right honourable the lords of the council, of trade and foreign plantations.

The humble memorial of the proprietors of the province of East New-Jersey, in America.

THE proprietors in all their applications to your lordships, and particularly in their last proposals, having express'd a great readiness of complying with his majetty's pleasure, in relation to their government, so as their properties might be preserved to them, by fuch concessions on his majesty's part, as are necessary to that end; are furprised at the dubious answer returned by your lordships to the second article of their proposals, concerning the establishment of a port at Perth-Amboy, for entering ships and importing goods there, and exporting goods from thence without being obliged to enter their ships at any other place. For the principal objection that has been always made, to the allowance of a port in East-Jersey, arising from the non-payment of customs there, and the detriment accraing to the trade of New-York; by reason thereof the proprietors conceived, that by submitting to pay the same customs as are paid at New-York, they had effectually answered that objection, and prevented all others; and that they being his majesty's subjects, and equally entitled to his favour and protection with the inhabitants of New-York, might under the payment of fuch duties, freely enjoy those conveniencies for trade, which God and nature have allotted to their colony, and they have purchased with their money, and which has not been denied to any other American plantation; tho' paying no customs, but permitted as a natural right. The proprietors therefore crave leave (in pursuance of that fincerity and plainness wherewith they have all along addressed to your lordships on this occasion) to declare, that the obtaining a port to be continued forever, was their main inducement to confent to a furrender of their government; and therefore, they infift, that in the new charter to be granted them by his majesty, there be an express clause inserted, whereby Perth-Amboy shall be established a port forever, for entering all ships coming into, and going from East Jersey, for importing and exporting goods; and that such port shall not be forfeited or taken away for any misdemeanor whatsoever, but only the persons guilty of the misdemeanor, shall be accountable and punishable for it.

This is the only thing that makes the province of any value to the proprietors, or give them hopes of re-imburfing their purchase money, and other expences in improvements; and if your lordships think it too great a privilege for them, who have been faithful subjects to his majesty, and contributed to the defence of the frontiers during the late war in America, more than they were able to bear; the proprietors cannot be accessary to their own ruin, by a voluntary surrender; but must endeavour to vindicate their rights in

s legal manner, and seek redress by such other measures as they shall be advised to, and are consistent with their duty to his majesty.

The proprietors do further crave leave to mention, that if their defire of a port is once granted, they do not foresee any great difficulty, to adjust with your lordships the other articles mentioned in their memorial.

Signed on the behalf of the faid proprietors, and by their order.
WILLIAM DOCKWRA, Secretary and Register.

London, 15th January, 1699-1700.

### NUMBER XII.

To their Excellencies the lords justices of England.

The humble petition of the proprietors of the provinces of East and West Jersey, in America.

Sheweth.

THAT your petitioners, as they were advised by their council, being legally entitled to the government of those provinces, by virtue of several grants from the late king James, when duke of York, the declaration of the late king Charles the second, under the great seal of England, and of several acts of state and orders of council, admitting their right, have, for many years appointed governors there, and particularly colonel Andrew Hamilton, who administered the government, to the great service of the crown, and universal satisfaction of the inhabitants, until an act of parliament passed in the seventh and eighth years of his present majesty's reign, entitled, an act for preventing frauds, and regulating abuses in the

plantation trade.'

Upon which law fome doubt arising, whether a native of Scotland (as col. Hamilton is) were capable of being a governor of the plantations; your petitioners, for avoiding any colour of offence against that act of parliament, appointed one Jeremiah Baffe governor of those provinces; but the lords of the committee of trade and plantations, making then fome scruple concerning your petitoner's right of government; mr. Baffe had not fuch a formal approbation of his majesty, as that act directs; and though your petitioners were at the same time honoured with instructions from the then lords justices, and lords commissioners of the treasury, for their governors conduct, which were produced, and published by mr. Basse, as a teltimony of his being nominated governor with the knowledge and implicit consent of his majesty and his ministers of state; yet for want of an express approbation in writing, the inhabitants refused to obey him; and he returned to England: Whereupon your petitioners, who had been informed of the opinions of his majetty's late attorney and present solicitor general, that a native of Scotland was not disabled to execute any office in the plantations, were induced to re-appoint the faid col. Hamilton (then in England) governor of those provinces, whom your petitioners presented to the lords of the committee of trade and plantations, humbly remonstrating to them, the necessity

of fending a governor for prefervation of the publick peace, and praving their lordships recommendation of him for his majesty's approbation; but their lordships having resolved to controvert your petitioners right of government, by a trial at law, declared they could not confent to such an approbation, without prejudice to his majesty's right; yet in regard to the necessity of the people's being under some government till the right was determined, their lordships delivered their opinion, that col. Hamilton, acting according to the laws of England, your petitioners might be fafe in commission onating him, and he in executing their commission; under the security of which approbation, col. Hamilton went over, and re-assumed the government of those provinces; but some factious and turbulent persons, impatient of any government, oppose his administration, because he is not approved of by an order of council, according to the express letter of the act of parliament, and have made so great divisions and confusions there, that the publick peace is daily violated, and the publick juffice obstructed.

That your petitioners have agreed, and are ready to furrender all their right of government to his majesty, upon such terms and conditions, as are requifite for preservation of their properties and civil interests, and which they humbly hope will be allowed to them.

Your petitioners therefore most humbly pray, that for the prefervation of the publick peace of those provinces, your excellencies will be graciously pleased, immediately to approve of col. Hamilton to be governor of the provinces of East and West Jersey, until the terms of furrender can be adjusted; and your petitioners shall ever pray.

Jos. Brooksbank, Dan. Coxe, jun. Tho. Hart, Joseph Ormston, Joseph Ormston, as having procuration, Miles Forster and Edward Antill, Gilbert Molleson, Tho. Barker, Tho. Lane, Paul Dominique, Tho. Skinner, John Bridges, Michael Watts, E. Richier, Clem. Plumstead, Tho. Cooper, Walter Benthal.

# NUMBER XIII.

#### deputies, afficets Representation of the lords of trade.

To their excellencies the lords juftices.

May it please your excellencies,

IN obedience to your excellencies commands, fignified to us by Mr. Yard, upon several papers laid before your excellencies, relating to the state of his majesty's provinces of East and West-Jersey, in America : We have confidered all the faid papers, together with others of the like nature, that were already in our hands; and having likewise heard what the proprietors and others had to offer; we thereupon most humbly report to your excellencies,

That those countries which are now known by the name of East and West New-Jersey, were granted, together with several other territories, by king Charles the second, by letters patents, bearing date

date the 12th day of March, 1664, to the then duke of Yerk, his heirs and affigns; together with full and absolute power and authority, to him, his heirs, deputies, agents, commissioners and affigns, to correct, punish, pardon, govern and rule, all such perfons as did then, or should at any time thereafter, reside within the faid territories, according to fuch laws, orders, ordinances, directions and instruments, as by the faid duke of York, or his affigue, should be established; and with several other clauses relating to the government and defence of the same.

That the faid duke of York did thereupon grant, convey and affign, the faid provinces, (by the names of Nova-Cæfaria or New-Jersey) to John lord Berkeley and fir George Carteret, their heirs and affigns, with all and every the appurtenances thereto belonging, in as full and ample manner as the same was granted to him, by

the aforesaid letters patents of king Charles the second.

That his said majesty king Charles the second, by other letters patents, dated the 29th of June, 1674, did again grant and convey to the faid duke of York, all the faid lands and territories, in the same manner as before expressed; and that several sub-divisions and fales, having in the mean while been made by the faid ford Berkeley, fir George Carteret, and others claiming under them; he the faid duke of York, did, by indenture, dated the 6th day of August, 1680, grant and confirm the province of West New-Jersey, with all the appurtenances thereunto belonging, to Edward Byllinge, of Westminster, gent in whom the tiale thereunto then w and to his heirs and affigns forever; and did in like manner, by indenture, dated the 14th day of March, 1082, grant and confirm the province of East New-Jersey, with all the appurtenances thereto belonging, to James Earl of Perth, William Penn, esq; and se eral other persons, in whom the title to the same then was; and to their heirs and affigns forever; and by each of the faid indentures, did likewise give, grant, and assign unto the aforesaid respective grantees or affigns, all and every such and the same powers, authorities, jurisdictions, governments, and other matters and things whatfoever, which by the aforementioned respective letters, patents, or either of them, were granted or intended to be granted, to be exercised by Fim the faid duke of York, his heirs, affigns, deputies, officers ca agents.

That the present proprietors, who derive their respective titles to their feveral shares and proportions of the foil of these provinces, by feveral mean conveyances, from and under the aforementioned grants to Edward Byllinge, and to the Earl of Perth, and other persons to whom the duke of York had immediately conveyed the same; do in like manner, and by virtue of divers such mean conveyances, claim the same powers and rights of government as were granted by king Charles the second, to the duke of York; and by him to others, according to the tenor of the aforesaid indentures.

That nevertheless, we do not find, that any sufficient form of government has ever been fettled in those provinces, either by the duke of York, or by those claiming under him, as aforesaid; but that many inconveniencies and diforders having arisen from their pretence

The proprietors of East New-Jerfey, did forof right to govern. render their said pretended right to the late king James, in the month of April 1688; which was accordingly accepted by him.

That fince his majefty's accession to the crown, the proprietors both of East and West New-Jersey, have continued to challenge the same right as before; and did in the year 1697, apply themselves to us, in order to their obtaining his majefty's approbation of the person whom they defired to have continued governor of the faid provinces, but at the same time refused to enter into security to his majesty, pursuant to the address of the right honourable the house of lords, of the 18th of March, 1696, that the person so presented by them the said proprietors, should duly observe and put in execution, the acts of trade; yet nevertheless proceeded, from time to time, to commissionate whom they thought fit, to be governor of those provinces, without his majefty's approbation; according to what is required by the late act, for preventing frauds and regulating abuses in the plantation trade.

That in this manner having formerly commissionated col. Andrew Hamilton, afterwards mr. Jeremiah Basse; then again superceding their commission to mr. Basse, and renewing or confirming that to col. Hamilton; and ever fince that also, some of them having sent another commission to one capt. Andrew Bown: The inhabitants fensible of the defect and insufficiency of all those commissions, for want of his majefty's authority, have upon feveral occasions, some of them opposed one of those governors, some another, according as interest, friendship, or faction had inclined them.

That the inhabitants of East New-Jersey, in a petition to his majefly, the last year, complained of several grievances they lay under, by the neglect or milmanagement of the proprietors of that province or their agents, as particularly, that from the latter end of June 1689, till about the latter end of August 1692 (which was a time of actual war) they had not taken any manner of care about the government thereof, so that there having been neither magistrates established to put the laws in execution, nor military officers to command, or give directions, in order to the defence of the province, they were exposed to any infults that might have been made upon them by an enemy; unto which they also added, that during the whole time the faid proprietors have governed, or pretended to govern that province, they have never taken care to preferve, or defend the fame from the Indians, or other enemies, by fending or providing any arms, ammunition or stores, as they ought to have done; and the faid inhabitants thereupon, humbly prayed his majesty would be pleased to commissionate some fit person qualified according to law, to be governor over them.

That it has been represented to us, by several letters, memorials, and other papers, as well from the inhabitants as proprietors of both those provinces, that they are at present in confusion and anarchy; and that it is much to be apprehended, left by the heats of the parties that are amongst them, they should fall into such violences as may endanger the lives of many persons, and destroy

the colony.

That

That the greatest number of the proprietors of both those provinces residing in this city, being hereby sensible of the necessity of his majesty's authority, for the preserving of peace and good order in those countries, have lately presented a petition to your excellencies; in the preamble whereof, though they still seem to affert their title to the government of the said provinces; yet nevertheless in the end, declare they have agreed, and are ready to surrender the same to his majesty, upon such terms and conditions as are requisite for preservation of their properties and civil interests; and they therefore humbly pray, that for the preservation of the publick peace, your excellencies would be graciously pleased, immediately to approve colonel Hamilton, to be governor of both the said provinces of East and West New-Jersey, until the terms of surrender can be adjusted.

That in a late memorial prefented to your excellencies (and figned not only by the same person, but by others likewise, who would not join in the prayer of the petition) having again prefaced their own pretended right to government; they do in like manner declare their readiness to surrender the same, in humble hope and considered (as they express themselves) that his majesty will be pleased to grant them all reasonable privileges, which are necessary to preserve their civil rights, and the interests of planters, and which are not inconsistent with his majesty's service, or royal authority; after which they proceed to propose, and particularly enlarge upon, several articles relating to the method of settling both the said provinces, and

uniting them under one government.

That the proprietors of East New-Jersey, residing there, have figned and sent over hither, to a gentleman whom they have constituted their agent and attorney in that behalf, an absolute and unconditioned surrender of their right to the government of that province, so far as the same is in them, and so far as they are capable of doing it for others concerned with them in that propriety.

That in relation to the aforesaid articles, we have been attended by several or the proprietors here; who have further personally declared to us, that their intention in proposing the same, is only to secure their rights, in such things as are matter of property; and that they unanimously desire to surrender the government to the king, and submit the circumstances thereof to his majesty's pleasure. But in relation to the aforementioned petition, that colonel Hamilton may at present receive his majesty's approbation to be governor of those provinces, the said proprietors are so divided amongst themselves, that whereas some seem to insist upon his approbation, as one principal condition of their surrender, others in the same manner insist upon his exclusion.

Upon all which, we humbly represent unto your excellencies, that not being fatisfied, that the aforementioned grants from the duke of York, (the only title upon which the faid proprietors claim a right to government) without any direct and immediate authority from the crown, were or could be of any validity to convey that right, (which we have been informed is a power unalienable from

See the memorial which follows.

the person to whom it is granted, and not to be assigned by him anto any other; much less divided, sub-divided, and conveyed from one to another, as has been done in the present case) We did therespon humbly represent to his majesty, the 18th of April, 1600, that a tryal might be had in Westminster Hall, upon a seigned issue, whereby their claim to the right of government, might receive a determination.

That no fuch determination having yet been made, nor any proceedings (that we know of ), had, upon the forementioned furrender; but it being generally acknowledged, both by the inhabitants and proprietors of the aforefaid provinces, that the diforder and confufion they are now fallen into, are fo great, that the publick peace and administration of justice is interrupted and violated; and that whilst those disorders continue, there neither is, nor possibly can be, any due provision made, for the guard and defence of that country, against an enemy, we are humbly of opinion, that it is very expedient for the preservation of those territories to the crown of England, and for securing the private interest of all persons concerned, that his majesty would be pleased to constitute a governor over those provinces, by his immediate commission; which together with the instructions, to be also given to the said governor, may contain such powers, authorities and directions, as may be necessary for the establishing there a regular conflitution of government, by a governor, council, and general affembly, with other civil and military officers; and for fecuring to the proprietors and inhabitants, all their properties and civil rights, in as full and ample manner, as the like are enjoyed by any plantation, under governors appointed by his majelty's immediate commission; together with such clauses and further provisions, as may be thought reasonable, in order to prevent the interfering of that colony with the interest of his majesty's other plantations; as the proprietary governments in America have generally done.

And we further humbly offer, that draughts of such a commission and instructions may be prepared; and that they may be also shewn to the proprietaries of those provinces, in order to their acquiescence, and the surrender of their pretended right to government, in such manner and form as may be effectual in law, to the sinal extinguishing of their pretences; or in case of their refusal, in order to such

other proceedings as shall then be thought fit.

All which nevertheless, is most humbly submitted.

Phil. Meadows, Jo. Pollexsen, Abr. Hill, Mar. Prior.

Whitehall, October 2, 1701.

### NUMBER. XIV.

The humble memorial of the proprietors of the provinces of East and West-Jersey, in America.

THOUGH the proprietors are advised by their council, that their right to ports within those respective provinces, was fully afferted, and their past administration of the government of those provinces

provinces, as fully justified at the late trial had in the court of king's bench, between mr. Basse and the earl of Bellemont; they are not-withstanding, ready and desirous, in obedience to his majesty's pleasure, to surrender all right of government there; in humble hope and considence, that as his royal wisdom prompts him to resame the American proprietary governments into his own more immediate administration; so his justice and goodness will incline him to grant the proprietors all reasonable privileges, which are necessary to preserve their civil rights, and the interest of the planters, and which are not inconsistent with his majesty's service, or royal authority.

To which they humbly propole and pray,

First. That his majesty will grant and confirm to them their lands and quit-rents, with such other liberties, franchises and privileges, as were granted to them by the late king James, when duke of York, or have been granted by his majesty to other proprietors of provinces

in America, except the powers of government.

Second. That his majefty will grant to them, the fole power of purchasing from the Indians, all lands lying within these provinces, which remain unpurchased from them; and that all other persons who have purchased, or shall purchase lands, either with or without licence first had from the proprietors, and who have not already taken patents, shall be obliged to take patents of such lands from the proprietors, under a moderate quit-rent; and in default thereof, their title from the Indians to be declared null and void. This the proprietors humbly conceive will be necessary, as well to vindicate his majesty's royal right, as their own property under him; because the planters have lately taken up and promoted an opinion, that the king's right to all American countries discovered by English subjects, is only notional and arbitrary; and that the Indian natives are the absolute independant owners, and have the sole disposal thereof: And some of the planters who have made such purchases of land from the Indians, refuse to take patents from the proprietors; grantees of the crown; and others, who have taken patents, refule to pay the quit rents referved.

Third. That the inhabitants of both provinces may have the fame liberty of trading with the Indians, as the inhabitants of New York, or of any other plantation in America, under his majetty's imme-

diate government, do or shall enjoy.

Fourth. That the port of Perth Amboy, in East-Jersey, and the ports of Burlington and Cohansie, in West-Jersey, may be established ports of those respective provinces forever; and that no ship bound to any of those places, shall be obliged to enter at any other port; nor any ships to be laden there, shall be obliged to clear at any other port; and that officers may be appointed at such port, for collecting the customs, and seeing the acts of navigation duly executed.

Fifth. That the proprietors may appoint surveyors general, and other officers, for surveying, and recording of the surveys of land granted by and held of them.

Sixth. That the proprietors of East Jersey may held three markets in every week forever, on Tuesday, Thursday and Saturday, for all manner of cattle, goods and merchandizes, at Perth-Amboy; and four fairs in every year there, to begin the Monday in the months of and each fair to continue fix days; and that the proprietors of West-Jersey may hold the like number of markets in every week forever, on Monday, Wednesday and Friday, at Burlington, in West-Jersey; and sour fairs in every year there, to begin the

Monday in the months of and each fair to continue fix days.

Seventh. That East and West Jersey may be erected into one distinct government, and have one general assembly, for making laws for the good of both provinces, to sit alternatively, at Perth-Amboy in East-Jersey, and Burlington in West-Jersey; and that such general assembly may be elected every year in the month of and may meet on the first Monday in October, and oftener if need be.

Eighth. That the general affembly may consist of thirty-six representatives, to be chosen in manner following, viz. two by the inhabitants, housholders of the city or town of Perth-Amboy, in East-Jersey; two by the inhabitants, housholders of the city or town of Burlington, in West-Jersey; fixteen by the freeholders of East-Jersey, and fixteen by the freeholders of West-Jersey; but that no person shall be capable of being elected a representative by the said freeholders, or afterward of sitting in general assembly, who shall not have one thousand acres of land, of an estate of freehold in his own right, within the province for which he shall be chosen; and that no freeholder shall be capable of electing such representatives, who shall not have one hundred acres of land there in his own right of an estate of freehold; and that this number of representatives shall not be enlarged or diminished, or the manner of electing them altered, otherwise than by act of general assembly, and the approbation of his majesty, his heirs and successors.

Ninth. That the governor's council may confift of inhabitants of both provinces; whereof an equal number to be chosen out of each

province.

Tenth. That all necessary officers, and courts for administration of justice, in cases criminal and civil, be established in each province; and that one supreme court may be held for both provinces, twice in every year, at Perth-Amboy in East-Jersey, and Burlington in West-Jersey, alternatively; in which courts all writs of error from any other courts within these provinces, shall be brought and determined; and that this court may consist of the governor's council, and the three capital judges of each province, (except such of them who pronounced the first judgment, sentence, or decree) or of any seven of them, whereof two of the council, and three judges, for the time being, shall be five; and every member of the court, who shall be present, shall have an equal vote; saving that where the court shall be equally divided in their opinions, the eldest of the council shall have a decisive vote.

Eleventh. That no appeal to the king may lie in personal actions, where the cause of action is of less value than two hundred pounds.

Twelfth. That all protestants may be exempt from all penal laws relating to religion; and may be capable of being of the governor's council, and of holding any other publick office, though they do not

not conform to the discipline of the church of England, or scruple to take an oath; and that an inftruction be given to the governor, for procuring a law to pass in the general assembly, for substituting some proper declaration in the place of an oath.

Thirteenth. That his majesty will be pleased to permit the pro-

prietors to nominate the first governor.

Fourteenth. That all such further privileges, franchises and liberties, as upon consideration, shall be found necessary to the good government and prosperity of the said provinces, and increasing the trade thereof, may be granted to the proprietors.

August 12, 1701.

Joseph Ormston, having procuration from Miles Forser and Edward Antill, Gilbert Molleson, Thomas Barker, Clement Plumstead, Thomas Cooper, William Dockwra, Walter Benthal, Edward Ritchier, Joseph Brooksbank, Daniel Coxe, jun. Thomas Lane, Paul Dominique, John Bridges, Michael Watts, Thomas Skinner, Thomas Hart.

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